
HOUSE BILL 2940

State of Washington

54th Legislature

1996 Regular Session

By Representatives Reams and Scott

Read first time 01/30/96. Referred to Committee on Government Operations.

1 AN ACT Relating to combining water and sewer districts; amending
2 RCW 57.02.010, 56.02.110, 57.02.030, 57.02.040, 56.02.070, 56.02.100,
3 57.02.050, 57.04.001, 57.04.020, 57.04.030, 57.04.050, 57.04.060,
4 57.04.065, 57.04.070, 56.04.080, 57.04.100, 57.04.110, 56.04.120,
5 56.04.130, 57.08.011, 57.08.012, 57.08.014, 57.08.015, 57.08.016,
6 57.08.030, 57.08.040, 56.08.060, 57.08.047, 57.08.050, 57.08.060,
7 57.08.065, 56.08.012, 57.08.100, 57.08.105, 57.08.110, 57.08.120,
8 57.08.140, 57.08.017, 57.08.180, 57.08.150, 57.08.160, 57.08.170,
9 57.12.010, 57.12.015, 57.12.045, 57.16.010, 56.08.030, 57.16.140,
10 57.16.050, 57.16.060, 57.16.073, 57.16.065, 56.20.030, 57.16.070,
11 57.16.080, 57.16.100, 57.16.090, 57.16.110, 57.16.150, 57.16.020,
12 57.20.015, 57.16.030, 57.16.035, 57.16.040, 57.20.020, 57.20.023,
13 57.20.025, 57.20.027, 57.20.030, 57.20.080, 57.20.090, 57.20.100,
14 57.20.110, 57.20.120, 57.20.130, 57.20.135, 57.20.140, 57.20.150,
15 57.20.160, 57.20.165, 57.20.170, 57.22.010, 57.22.020, 57.22.030,
16 57.22.040, 57.22.050, 57.24.010, 57.24.020, 57.24.040, 57.24.050,
17 57.24.070, 57.24.090, 57.24.170, 57.24.180, 57.24.190, 57.24.200,
18 57.24.210, 57.24.220, 57.28.010, 57.28.020, 57.28.030, 57.28.035,
19 57.28.040, 57.28.050, 57.28.060, 57.28.070, 57.28.080, 57.28.090,
20 57.28.100, 57.28.110, 57.32.010, 57.32.020, 57.32.021, 57.32.022,
21 57.32.023, 57.32.024, 57.32.130, 57.32.160, 57.36.010, 57.36.020,

1 57.36.030, 57.36.040, 57.40.135, 57.36.050, 57.42.010, 57.42.020,
2 57.42.030, 57.46.010, 57.46.020, 57.46.030, 57.90.001, 57.90.010,
3 57.90.020, 57.90.030, 57.90.040, 57.90.050, and 57.90.100; adding new
4 sections to chapter 57.02 RCW; adding new sections to chapter 57.08
5 RCW; adding new sections to Title 57 RCW; adding new sections to
6 chapter 57.04 RCW; adding new sections to chapter 57.06 RCW; adding new
7 sections to chapter 57.16 RCW; adding new sections to chapter 57.20
8 RCW; adding a new section to chapter 57.36 RCW; creating a new section;
9 recodifying RCW 56.02.070, 56.02.100, 56.02.110, 56.04.080, 56.04.120,
10 56.04.130, 56.02.030, 56.02.080, 56.36.070, 56.08.060, 56.08.012,
11 56.08.170, 56.08.030, 56.20.030, 57.16.020, 57.16.030, 57.16.035,
12 57.16.040, and 57.40.135; and repealing RCW 56.02.010, 56.02.040,
13 56.02.050, 56.02.055, 56.02.060, 56.02.120, 56.04.001, 56.04.020,
14 56.04.030, 56.04.040, 56.04.050, 56.04.060, 56.04.065, 56.04.070,
15 56.04.090, 56.08.010, 56.08.013, 56.08.014, 56.08.015, 56.08.020,
16 56.08.040, 56.08.050, 56.08.065, 56.08.070, 56.08.075, 56.08.080,
17 56.08.090, 56.08.092, 56.08.100, 56.08.105, 56.08.110, 56.08.120,
18 56.08.130, 56.08.140, 56.08.150, 56.08.160, 56.08.180, 56.08.190,
19 56.08.200, 56.12.010, 56.12.015, 56.12.020, 56.12.030, 56.12.040,
20 56.12.050, 56.16.010, 56.16.020, 56.16.030, 56.16.035, 56.16.040,
21 56.16.050, 56.16.060, 56.16.065, 56.16.070, 56.16.080, 56.16.085,
22 56.16.090, 56.16.100, 56.16.110, 56.16.115, 56.16.130, 56.16.135,
23 56.16.140, 56.16.150, 56.16.160, 56.16.165, 56.16.170, 56.20.010,
24 56.20.015, 56.20.020, 56.20.032, 56.20.033, 56.20.040, 56.20.050,
25 56.20.060, 56.20.070, 56.20.080, 56.20.090, 56.20.120, 56.22.010,
26 56.22.020, 56.22.030, 56.22.040, 56.22.050, 56.24.001, 56.24.070,
27 56.24.080, 56.24.090, 56.24.100, 56.24.110, 56.24.120, 56.24.130,
28 56.24.140, 56.24.150, 56.24.180, 56.24.190, 56.24.200, 56.24.205,
29 56.24.210, 56.24.900, 56.28.001, 56.28.010, 56.28.020, 56.32.001,
30 56.32.010, 56.32.020, 56.32.030, 56.32.040, 56.32.050, 56.32.060,
31 56.32.070, 56.32.080, 56.32.090, 56.32.100, 56.32.110, 56.32.115,
32 56.32.120, 56.32.160, 56.36.001, 56.36.010, 56.36.020, 56.36.030,
33 56.36.040, 56.36.045, 56.36.050, 56.36.060, 56.40.010, 56.40.020,
34 56.40.030, 57.08.010, 57.08.045, 57.08.080, 57.08.090, 57.12.030,
35 57.12.039, 57.40.001, 57.40.100, 57.40.110, 57.40.120, 57.40.130,
36 57.40.140, and 57.40.150.

37 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART I - GENERAL PROVISIONS

1

2 NEW SECTION. **Sec. 101.** A new section is added to chapter 57.02
3 RCW to read as follows:

4 Every sewer district and every water district previously created
5 shall be reclassified and shall become a water-sewer district, and
6 shall be known as the ". . . . Water-Sewer District," or "Water-Sewer
7 District No." or shall continue to be known as a "sewer
8 district" or a "water district," with the existing name or number
9 inserted, as appropriate. As used in this title, "district" means a
10 water-sewer district, a sewer district, or a water district. All
11 debts, contracts, and obligations previously made or incurred by or in
12 favor of any water district or sewer district, and all bonds or other
13 obligations issued or executed by those districts, and all assessments
14 or levies, and all other things and proceedings done or taken by those
15 districts or by their respective officers, are declared legal and valid
16 and of full force and effect.

17 **Sec. 102.** RCW 57.02.010 and 1982 1st ex.s. c 17 s 8 are each
18 amended to read as follows:

19 Wherever in this title (~~(57-RCW)~~) petitions are required to be
20 signed by the owners of property, the following rules shall govern the
21 sufficiency (~~(thereof)~~) of the petitions:

22 (1) The signature of a record owner, as determined by the records
23 of the county auditor of the county in which the real property is
24 located, shall be sufficient without the signature of (~~(his or her)~~)
25 the owner's spouse.

26 (2) (~~(In the case of)~~) For mortgaged property, the signature of the
27 mortgagor shall be sufficient.

28 (3) (~~(In the case of)~~) For property purchased on contract, the
29 signature of the contract purchaser, as shown by the records of the
30 county auditor of the county in which the real property is located,
31 shall be (~~(deemed)~~) sufficient.

32 (4) Any officer of a corporation owning land in the district duly
33 authorized to execute deeds or encumbrances on behalf of the
34 corporation may sign on behalf of (~~(such)~~) that corporation(~~(÷~~
35 PROVIDED)), except that there shall be attached to the petition a
36 certified excerpt from the bylaws showing such authority.

1 (5) If any property in the district stands in the name of a
2 deceased person or any person for whom a guardian has been appointed,
3 the signature of the ~~((executor))~~ personal representative,
4 administrator, or guardian, as the case may be, shall be equivalent to
5 the signature of the owner of the property.

6 **Sec. 103.** RCW 56.02.110 and 1979 c 35 s 3 are each amended to read
7 as follows:

8 ~~((1))~~ The board of commissioners of a ~~((sewer))~~ district may
9 notify the owner or reputed owner of any tract, parcel of land, or
10 other property located within the area included in a petition for a
11 local improvement district or utility local improvement district being
12 circulated under chapter ~~((56.20))~~ 57.16 RCW or in a petition for
13 annexation being circulated under chapter ~~((56.24))~~ 57.24 RCW.

14 ~~((2))~~ Upon the request of any person, the board of commissioners
15 of a ~~((sewer))~~ district may:

16 ~~((a))~~ (1) Review a proposed petition ~~((to check if the petition~~
17 ~~is properly drafted))~~ for proper drafting; and

18 ~~((b))~~ (2) Provide information regarding the effects of the
19 adoption of any proposed petition.

20 **Sec. 104.** RCW 57.02.030 and 1959 c 108 s 19 are each amended to
21 read as follows:

22 The rule of strict construction shall ~~((have no application))~~ not
23 apply to this title, ~~((but the same))~~ which shall be liberally
24 construed to carry out ~~((the))~~ its purposes and objects ~~((for which~~
25 ~~this title is intended))~~.

26 **Sec. 105.** RCW 57.02.040 and 1988 c 162 s 7 are each amended to
27 read as follows:

28 (1) Notwithstanding any provision of law to the contrary, ~~((no~~
29 ~~water district shall be formed or reorganized under chapter 57.04 RCW,~~
30 ~~nor shall any water district annex territory under chapter 57.24 RCW,~~
31 ~~nor shall any water district withdraw territory under chapter 57.28~~
32 ~~RCW, nor shall any water district consolidate under chapter 57.32 RCW,~~
33 ~~nor shall any water district be merged under chapter 57.36 RCW, nor~~
34 ~~shall any sewer district be merged into a water district under chapter~~
35 ~~57.40 RCW, unless such proposed action))~~ the following proposed actions

1 shall be approved as provided for in RCW 56.02.070 (as recodified by
2 this act):

3 (a) Formation or reorganization under chapter 57.04 RCW;

4 (b) Annexation of territory under chapter 57.24 RCW;

5 (c) Withdrawal of territory under chapter 57.28 RCW;

6 (d) Consolidation under chapter 57.32 RCW; and

7 (e) Merger under chapter 57.36 RCW.

8 ~~((The county legislative authority shall within thirty days of the~~
9 ~~date after receiving))~~ (2) At least one of the districts involved shall
10 give notice of the proposed action~~((, approve such action or hold a~~
11 ~~hearing on such action. In addition, a copy of such proposed action~~
12 ~~shall be mailed))~~ to the county legislative authority, state department
13 of ecology, and ~~((to the))~~ state department of social and health
14 services. The county legislative authority shall within thirty days of
15 receiving notice of the proposed action approve the action or hold a
16 hearing on the action.

17 (3) The county legislative authority shall decide within sixty days
18 of a hearing whether to approve or not approve ~~((such))~~ the proposed
19 action. In approving or not approving the proposed action, the county
20 legislative authority shall consider the following criteria:

21 ~~((1))~~ (a) Whether the proposed action in the area under
22 consideration is in compliance with the development program ~~((which))~~
23 that is outlined in the county comprehensive plan and its supporting
24 documents; ~~((and/or~~

25 ~~(2))~~ (b) Whether the proposed action in the area under
26 consideration is in compliance with the basinwide water and/or sewage
27 plan as approved by the state department of ecology and the state
28 department of social and health services; ~~((and/or))~~ and

29 ~~((3))~~ (c) Whether the proposed action is in compliance with the
30 policies expressed in the county plan for water and/or sewage
31 facilities.

32 (4) If the proposed action is inconsistent with subsection~~((s-1),~~
33 ~~(2), or))~~ (3) (a), (b), or (c) of this section, the county legislative
34 authority shall not approve it. If ~~((such))~~ the proposed action is
35 consistent with ~~((all such))~~ subsection~~((s))~~ (3) (a), (b), and (c) of
36 this section, the county legislative authority shall approve it unless
37 it finds that ~~((utility))~~ water or sewer service in the area under
38 consideration will be most appropriately served by the county itself
39 under the provisions of chapter 36.94 RCW, or by ~~((a))~~ another city,

1 town, or municipality(~~(, or by another existing special purpose~~
2 ~~district rather than by the proposed action under consideration)~~). If
3 there has not been adopted for the area under consideration a plan
4 under (~~(any one of subsections (1), (2) or)~~) subsection (3) (a), (b),
5 or (c) of this section, the proposed action shall not be found
6 inconsistent with such subsection.

7 (5) Where a (~~(water)~~) district is proposed to be formed, and where
8 no boundary review board (~~(has been)~~) is established, the petition
9 described in RCW 57.04.030 shall serve as the notice of proposed action
10 under this section, and the hearing provided for in RCW 57.04.030 shall
11 serve as the hearing provided for in this section and in RCW 56.02.070
12 (as recodified by this act).

13 **Sec. 106.** RCW 56.02.070 and 1988 c 162 s 6 are each amended to
14 read as follows:

15 In any county where a boundary review board, as provided in chapter
16 36.93 RCW, (~~(has)~~) is not (~~(been)~~) established, the approval of the
17 proposed action shall be by the county legislative authority pursuant
18 to RCW (~~(56.02.060 and)~~) 57.02.040(~~(7)~~) and shall be final, and the
19 procedures required to adopt such proposed action shall be followed as
20 provided by law.

21 In any county where a boundary review board, as provided in chapter
22 36.93 RCW, (~~(has been)~~) is established, a notice of intention of the
23 proposed action shall be filed with the board as required by RCW
24 36.93.090 and (~~(a copy thereof)~~) with the county legislative authority.
25 The (~~(latter)~~) county legislative authority shall transmit to the board
26 a report of its approval or disapproval of the proposed action together
27 with its findings and recommendations (~~(thereon)~~) under (~~(the~~
28 ~~provisions of RCW 56.02.060 and)~~) 57.02.040. (~~(If)~~) Approval by the
29 county legislative authority (~~(has approved)~~) of the proposed action(~~(7~~
30 ~~such approval)~~) shall be final and the procedures required to adopt
31 (~~(such)~~) the proposal shall be followed as provided by law, unless the
32 board reviews the action under (~~(the provisions of)~~) RCW 36.93.100
33 through 36.93.180. If the county legislative authority (~~(has)~~) does
34 not (~~(approved)~~) approve the proposed action, the board shall review
35 the action under (~~(the provisions of)~~) RCW 36.93.150 through 36.93.180.
36 The action of the board (~~(after review of the proposed action)~~) shall
37 supersede approval or disapproval by the county legislative authority.

1 Where a (~~water or sewer~~) district is proposed to be formed, and
2 where no boundary review board has been established, the hearings
3 provided for in RCW (~~56.04.040 and~~) 57.04.030 shall serve as the
4 hearing provided for in this section(~~(, in RCW 56.02.060,)~~) and in RCW
5 57.02.040.

6 **Sec. 107.** RCW 56.02.100 and 1977 ex.s. c 208 s 3 are each amended
7 to read as follows:

8 The procedures and provisions of RCW 85.08.830 through 85.08.890,
9 which are applicable to drainage improvement districts, joint drainage
10 improvement districts, or consolidated drainage improvement districts
11 (~~which~~) that desire to merge into (~~an~~) irrigation districts, shall
12 also apply to (~~sewer~~) districts organized, or reorganized, under this
13 title (~~which~~) that desire to merge into irrigation districts.

14 The authority granted by this section shall be cumulative and in
15 addition to any other power or authority granted by law to any
16 (~~sewer~~) district.

17 **Sec. 108.** RCW 57.02.050 and 1994 c 223 s 66 are each amended to
18 read as follows:

19 Whenever the boundaries or proposed boundaries of a (~~water~~)
20 district include or are proposed to include by means of formation,
21 annexation, consolidation, or merger (~~(including merger with a sewer~~
22 ~~district))~~ territory in more than one county(~~(,)~~):

23 (1) All duties delegated by this title (~~57-RCW~~) to officers of
24 the county in which the district is located shall be delegated to the
25 officers of the county in which the largest land area of the district
26 is located, except that elections shall be conducted pursuant to
27 general election law(~~(,)~~);

28 (2) Actions subject to review and approval under RCW 57.02.040
29 (~~and 56.02.070~~) shall be reviewed and approved only by the officers
30 or boards in the county in which such actions are proposed to
31 occur(~~(,)~~);

32 (3) Verification of (~~electors'~~) voters' signatures shall be
33 conducted by the county election officer of the county in which such
34 signators reside(~~(,)~~); and

35 (4) Comprehensive plan review and approval or rejection by the
36 respective county legislative authorities under RCW 57.16.010 shall be
37 limited to that part of such plans within the respective counties.

PART II - FORMATION AND DISSOLUTION

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Sec. 201. RCW 57.04.001 and 1989 c 84 s 56 are each amended to read as follows:

Actions taken under this chapter ((57.04-RCW)) may be subject to potential review by a boundary review board under chapter 36.93 RCW.

Sec. 202. RCW 57.04.020 and 1982 1st ex.s. c 17 s 9 are each amended to read as follows:

Water-sewer districts ((for the acquirement, construction, maintenance, operation, development and regulation of a water supply system and providing for additions and betterments thereto)) are authorized to be established for the purposes of chapter 57.08 RCW. Such districts may include within their boundaries one or more counties, incorporated cities and towns, or other political subdivisions. No portion or all of any incorporated city or town may be included without the consent by resolution of the city or town legislative authority.

Sec. 203. RCW 57.04.030 and 1990 c 259 s 27 are each amended to read as follows:

(1) For the purpose of formation of water-sewer districts, a petition shall be presented to the county legislative authority of each county in which the proposed ((water)) district is located((, which)). The petition shall set forth the ((object)) reasons for the creation of the district, ((shall)) designate the boundaries ((thereof and set forth the further fact)) of the district, and state that establishment of the district will be conducive to the public health, convenience, and welfare and will be of benefit to the property included in the district. The petition shall state the proposed name of the district, which may be ". Sewer-Water District," ". Water District," ". Sewer District" or may be designated by a number such as ". County Water-Sewer District No." The petition shall specify the proposed property tax levy assessment, if any, which shall not exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district. The petition shall be signed by at least ten percent of the registered voters who voted in the last general municipal election,

1 who shall be qualified (~~electors~~) voters on the date of filing the
2 petition, residing within the district described in the petition.

3 The petition shall be filed with the county auditor of each county
4 in which the proposed district is located, who shall(~~7~~) within ten
5 days examine and verify the signatures (~~of the signers residing in the~~
6 ~~county; and for such purpose the county election official shall have~~
7 ~~access to all registration books in the possession of the officers of~~
8 ~~any incorporated city or town in such proposed district~~) on the
9 petition. No person having signed such a petition shall be allowed to
10 withdraw (~~his~~) the person's name from the petition after the filing
11 of the petition with the county election officer. The petition shall
12 be transmitted to the election officer of the county in which the
13 largest land area of the district is located who shall certify to the
14 sufficiency or insufficiency of the number of signatures. If the
15 petition shall be found to contain a sufficient number of signatures,
16 the county election officer shall then transmit (~~the same~~) it,
17 together with a certificate of sufficiency attached thereto to the
18 county legislative authority of each county in which the proposed
19 district is located.

20 (2) If in the opinion of the county health officer the existing
21 water, sewerage, or drainage facilities are inadequate in the district
22 to be created, and creation of the district is necessary for public
23 health and safety, then the legislative authority of the county may
24 declare by resolution that a water-sewer district is a public health
25 and safety necessity, and the district shall be organized under this
26 title, without a petition being required.

27 (3) Following receipt of a petition certified to contain a
28 sufficient number of signatures, or upon declaring a district to be a
29 public health and safety necessity, at a regular or special meeting the
30 county legislative authority shall cause to be published once a week
31 for at least two weeks in one or more newspapers of general circulation
32 in the proposed district, a notice that such a petition has been
33 presented, stating the time of the meeting at which the petition shall
34 be considered, and setting forth the boundaries of the proposed
35 district. When (~~such~~) a petition is presented for hearing, each
36 county legislative authority shall hear the petition or may adjourn the
37 hearing from time to time not exceeding one month in all. Any person,
38 firm, or corporation may appear before the county legislative authority
39 and make objections to the establishment of the district or the

1 proposed boundary lines thereof. Upon a final hearing each county
2 legislative authority shall make such changes in the proposed boundary
3 lines within the county as it deems to be proper and shall establish
4 and define the boundaries and shall find whether the proposed ((water))
5 district will be conducive to the public health, welfare, and
6 convenience and be of special benefit to the land included within the
7 boundaries of the proposed district. No lands ((which)) that will not,
8 in the judgment of the county legislative authority, be ((benefited))
9 benefitted by inclusion therein, shall be included within the
10 boundaries of the district. No change shall be made by the county
11 legislative authority in the boundary lines to include any territory
12 outside of the boundaries described in the petition, except that the
13 boundaries of any proposed district may be extended by the county
14 legislative authority to include other lands in the county upon a
15 petition signed by the owners of all of the land within the proposed
16 extension.

17 **Sec. 204.** RCW 57.04.050 and 1994 c 292 s 2 are each amended to
18 read as follows:

19 Upon entry of the findings of the final hearing on the petition if
20 one or more county legislative authorities find that the proposed
21 district will be conducive to the public health, welfare, and
22 convenience and ((be of special)) will benefit ((to)) the land therein,
23 they shall call a special election by presenting a resolution to the
24 county auditor at least forty-five days prior to the proposed election
25 date. A special election ((will)) shall be held on a date decided by
26 the commissioners in accordance with RCW 29.13.010 and 29.13.020. The
27 commissioners shall cause to be published a notice of the election for
28 four successive weeks in a newspaper of general circulation in the
29 proposed district, which notice shall state the hours during which the
30 polls will be open, the boundaries of the district as finally adopted
31 and the object of the election, and the notice shall also be posted
32 ((for)) ten days in ten public places in the proposed district. In
33 submitting the proposition to the voters, it shall be expressed on the
34 ballots in the following terms:

35 ((Water)) District YES 1
36 ((Water)) District NO 1

1 giving the name of the district as provided in the petition. The
2 proposition to be effective must be approved by a majority of the
3 voters voting on the proposition.

4 At the same election a proposition shall be submitted to the
5 voters, for their approval or rejection, authorizing the ~~((water))~~
6 district, if formed, to levy at the earliest time permitted by law on
7 all property located in the district a general tax for one year, in
8 excess of the limitations provided by law, in the amount specified in
9 the petition to create the district, not to exceed one dollar and
10 twenty-five cents per thousand dollars of assessed value, for general
11 preliminary expenses of the district~~((The proposition may not appear~~
12 ~~at the September or November election. The proposition shall))~~, that
13 proposition to be expressed on the ballots in the following terms:

14 One year dollars and cents per
15 thousand dollars of assessed value tax YES 1
16 ~~((One year dollars and cents~~
17 ~~per thousand dollars of assessed value tax))~~NO 1

18 ~~((Such))~~ The proposition to be effective must be approved by at
19 least three-fifths of the voters voting on the proposition in the
20 manner set forth in Article VII, section 2(a) of the state Constitution
21 ~~((of this state))~~, as amended by Amendment 59 and as thereafter
22 amended.

23 **Sec. 205.** RCW 57.04.060 and 1929 c 114 s 5 are each amended to
24 read as follows:

25 If at ~~((such))~~ the election a majority of the voters voting upon
26 ~~((such))~~ the proposition ~~((shall))~~ vote in favor of the formation of
27 ~~((such))~~ the district the ~~((board of))~~ county ~~((commissioners))~~
28 legislative authority shall so declare in its canvass of the returns of
29 ~~((such))~~ the election to be made within ten days after the date of the
30 election, and ~~((such water))~~ the district shall then be and become a
31 municipal corporation of the state of Washington, and the name of
32 ~~((such water))~~ the district shall be ~~((". Water District"~~
33 ~~{inserting the name appearing on the ballot}))~~ the name of the district
34 as provided in the petition and the ballot.

35 **Sec. 206.** RCW 57.04.065 and 1984 c 147 s 7 are each amended to
36 read as follows:

1 Any (~~water~~) district (~~heretofore or hereafter organized and~~
2 ~~existing~~) may apply to change its name by filing with the county
3 legislative authority in which was filed the original petition for
4 organization of the district, a certified copy of a resolution of its
5 board of commissioners adopted by majority vote of all of the members
6 of (~~said~~) that board at a regular meeting thereof providing for such
7 change of name. After approval of the new name by the county
8 legislative authority, all proceedings for (~~such~~) the district(~~s~~)
9 shall be had under (~~such~~) the changed name, but all existing
10 obligations and contracts of the district entered into under its former
11 name shall remain outstanding without change and with the validity
12 thereof unimpaired and unaffected by such change of name(~~, and the~~).
13 A change of name heretofore made by any existing (~~water~~) district in
14 this state, substantially in the manner (~~above~~) approved under this
15 section, is (~~hereby~~) ratified, confirmed, and validated.

16 **Sec. 207.** RCW 57.04.070 and 1985 c 141 s 6 are each amended to
17 read as follows:

18 Whenever two or more petitions for the formation of a (~~water~~)
19 district shall be filed as provided in this chapter, the petition
20 describing the greater area shall supersede all others and an election
21 shall first be held thereunder, and no lesser (~~water~~) district shall
22 ever be created within the limits in whole or in part of any (~~water~~)
23 district, except as provided in RCW (~~57.40.150 and~~) 36.94.420(~~, as~~
24 ~~now or hereafter amended~~)).

25 **Sec. 208.** RCW 56.04.080 and 1941 c 210 s 40 are each amended to
26 read as follows:

27 All elections held pursuant to this title, whether general or
28 special, shall be conducted by the county (~~election board~~) auditor of
29 the county in which the district is located. Except as provided in
30 section 406 of this act, the expense of all such elections shall be
31 paid for out of the funds of (~~such sewer~~) the district.

32 **Sec. 209.** RCW 57.04.100 and 1994 c 81 s 80 are each amended to
33 read as follows:

34 Any (~~water~~) district (~~organized under this title~~) may be
35 disincorporated in the same manner (insofar as the same is applicable)
36 as is provided in RCW 35.07.010 through 35.07.220 for the

1 disincorporation of cities and towns, except that the petition for
2 disincorporation shall be signed by not less than twenty-five percent
3 of the voters in the ((water)) district.

4 **Sec. 210.** RCW 57.04.110 and 1955 c 358 s 1 are each amended to
5 read as follows:

6 A ((water)) district whose boundaries are identical with the
7 boundaries of an incorporated city or town may be dissolved by summary
8 dissolution proceedings if the ((water)) district is free from all
9 debts and liabilities except contractual obligations between the
10 district and the city or town. Summary dissolution shall take place if
11 the board of commissioners of the ((water)) district votes unanimously
12 to dissolve the district and to turn all of its property over to the
13 city or town within which the district lies, and the council of such
14 city or town unanimously passes an ordinance accepting the conveyance
15 of the property and assets of the district tendered to the city or town
16 by the ((water)) district.

17 **Sec. 211.** RCW 56.04.120 and 1991 c 363 s 136 are each amended to
18 read as follows:

19 (1) On and after March 16, 1979, any sewerage improvement districts
20 created under Title 85 RCW and located in a county with a population of
21 from forty thousand to less than seventy thousand shall become
22 ((sewer)) districts and shall be operated, maintained, and have the
23 same powers as ((sewer)) districts created under this title ((56-RCW)),
24 upon being so ordered by the county legislative authority of the county
25 in which such district is located after a hearing of which notice is
26 given by publication in a newspaper of general circulation within the
27 district and mailed to any known creditors, holders of contracts, and
28 obligees at least thirty days prior to such hearing. After such
29 hearing if the county legislative authority finds the converting of
30 such district to be in the best interest of that district, it shall
31 order that such sewer improvement district shall become a ((sewer))
32 district and fix the date of such conversion. All debts, contracts,
33 and obligations created while attempting to organize or operate a
34 sewerage improvement district and all other financial obligations and
35 powers of the district to satisfy such obligations established under
36 Title 85 RCW are legal and valid until they are fully satisfied or
37 discharged under Title 85 RCW.

1 (2) The board of supervisors of a sewerage improvement district in
2 a county with a population of from forty thousand to less than seventy
3 thousand shall act as the board of commissioners of the ((sewer))
4 district ((created)) under subsection (1) of this section until other
5 members of the board of commissioners of the ((sewer)) district are
6 elected and qualified. There shall be an election on the same date as
7 the 1979 state general election and the seats of all three members of
8 the governing authority of every entity which was previously known as
9 a sewerage improvement district in a county with a population of from
10 forty thousand to less than seventy thousand shall be up for election.
11 The election shall be held in the manner provided for in ((RCW
12 56.12.020)) sections 404 through 406 of this act for the election of
13 the first board of commissioners of a ((sewer)) district. Thereafter,
14 the terms of office of the members of the governing body shall be
15 determined under ((RCW 56.12.020)) sections 404 through 406 of this
16 act.

17 **Sec. 212.** RCW 56.04.130 and 1979 c 35 s 2 are each amended to read
18 as follows:

19 Any sewerage improvement district which has been operating as a
20 sewer district shall be a ((sewer)) district under this title as of
21 March 16, 1979, upon being so ordered by the ((board of)) county
22 ((commissioners)) legislative authority of the county in which such
23 district is located after a hearing of which notice is given by
24 publication in a newspaper of general circulation within the district
25 and mailed to any known creditors, holders of contracts, and obligees
26 at least thirty days prior to such hearing. After such hearing if the
27 ((board of)) county ((commissioners)) legislative authority finds that
28 the sewerage improvement district was operating as a ((sewer)) district
29 and that the converting of such district will be in the best interest
30 of that district, it shall order that such sewer improvement district
31 shall become a ((sewer)) district immediately upon the passage of the
32 resolution containing such order. The debts, contracts, and
33 obligations of any sewerage improvement district which has been
34 erroneously operating as a ((sewer)) district are recognized as legal
35 and binding. The members of the government authority of any sewerage
36 improvement district which has been operating as a ((sewer)) district
37 and who were erroneously elected as sewer district commissioners shall
38 be recognized as the governing authority of a ((sewer)) district. The

1 members of the governing authority shall continue in office for the
2 term for which they were elected.

3

PART III - POWERS

4 NEW SECTION. **Sec. 301.** A district shall have the following
5 powers:

6 (1) To acquire by purchase or condemnation, or both, all lands,
7 property and property rights, and all water and water rights, both
8 within and without the district, necessary for its purposes. The right
9 of eminent domain shall be exercised in the same manner and by the same
10 procedure as provided for cities and towns, insofar as consistent with
11 this title, except that all assessment or reassessment rolls to be
12 prepared and filed by eminent domain commissioners or commissioners
13 appointed by the court shall be prepared and filed by the district, and
14 the duties devolving upon the city treasurer are imposed upon the
15 county treasurer;

16 (2) To lease real or personal property necessary for its purposes
17 for a term of years for which that leased property may reasonably be
18 needed;

19 (3) To construct, condemn and purchase, add to, maintain, and
20 supply waterworks to furnish the district and inhabitants thereof, any
21 city or town therein, and any other persons, both within and without
22 the district, with an ample supply of water for all uses and purposes
23 public and private with full authority to regulate and control the use,
24 content, distribution, and price thereof in such a manner as is not in
25 conflict with general law and may construct, acquire, or own buildings
26 and other necessary district facilities. Where a customer connected to
27 the district's system uses the water on an intermittent or transient
28 basis, a district may charge for providing water service to such a
29 customer, regardless of the amount of water, if any, used by the
30 customer. District waterworks may include facilities which result in
31 combined water supply and electric generation, if the electricity
32 generated thereby is a byproduct of the water supply system. That
33 electricity may be used by the district or sold to any entity
34 authorized by law to use or distribute electricity. Electricity is
35 deemed a byproduct when the electrical generation is subordinate to the
36 primary purpose of water supply. For such purposes, a district may
37 take, condemn and purchase, acquire, and retain water from any public

1 or navigable lake, river or watercourse, or any underflowing water, and
2 by means of aqueducts or pipeline conduct the same throughout the
3 district and any city or town therein and carry it along and upon
4 public highways, roads, and streets, within and without such district.
5 For the purpose of constructing or laying aqueducts or pipelines, dams,
6 or waterworks or other necessary structures in storing and retaining
7 water or for any other lawful purpose such district may occupy the beds
8 and shores up to the high water mark of any such lake, river, or other
9 watercourse, and may acquire by purchase or condemnation such property
10 or property rights or privileges as may be necessary to protect its
11 water supply from pollution. For the purposes of waterworks which
12 include facilities for the generation of electricity as a byproduct,
13 nothing in this section may be construed to authorize a district to
14 condemn electric generating, transmission, or distribution rights or
15 facilities of entities authorized by law to distribute electricity, or
16 to acquire such rights or facilities without the consent of the owner;

17 (4) To purchase and take water from any municipal corporation,
18 private person, or entity. A district contiguous to Canada may
19 contract with a Canadian corporation for the purchase of water and for
20 the construction, purchase, maintenance, and supply of waterworks to
21 furnish the district and inhabitants thereof and residents of Canada
22 with an ample supply of water under the terms approved by the board of
23 commissioners;

24 (5) To construct, condemn and purchase, add to, maintain, and
25 operate systems of sewers for the purpose of furnishing the district,
26 the inhabitants thereof, and persons outside the district with an
27 adequate system of sewers for all uses and purposes, public and
28 private, including but not limited to on-site sewage disposal
29 facilities, approved septic tanks or approved septic tank systems,
30 other facilities and systems for the collection, interception,
31 treatment, and disposal of wastewater, and for the control of pollution
32 from wastewater and for the protection, preservation, and
33 rehabilitation of surface and underground waters, facilities for the
34 drainage of storm or surface waters, public highways, streets, and
35 roads with full authority to regulate the use and operation thereof and
36 the service rates to be charged. Sewage facilities may include
37 facilities which result in combined sewage disposal, treatment, or
38 drainage and electric generation, except that the electricity generated
39 thereby is a byproduct of the system of sewers. Such electricity may

1 be used by the district or sold to any entity authorized by law to
2 distribute electricity. Electricity is deemed a byproduct when the
3 electrical generation is subordinate to the primary purpose of sewage
4 disposal, treatment, or drainage. For such purposes a district may
5 conduct sewage throughout the district and throughout other political
6 subdivisions within the district, and construct and lay sewer pipe
7 along and upon public highways, roads, and streets, within and without
8 the district, and condemn and purchase or acquire land and rights of
9 way necessary for such sewer pipe. A district may erect sewage
10 treatment plants within or without the district, and may acquire, by
11 purchase or condemnation, properties or privileges necessary to be had
12 to protect any lakes, rivers, or watercourses and also other areas of
13 land from pollution from its sewers or its sewage treatment plant. For
14 the purposes of sewage facilities which include facilities that result
15 in combined sewage disposal, treatment, or drainage and electric
16 generation where the electric generation is a byproduct, nothing in
17 this section may be construed to authorize a district to condemn
18 electric generating, transmission, or distribution rights or facilities
19 of entities authorized by law to distribute electricity, or to acquire
20 such rights or facilities without the consent of the owners;

21 (6) To construct, condemn, acquire, and own buildings and other
22 necessary district facilities;

23 (7) To compel all property owners within the district located
24 within an area served by the district's system of sewers to connect
25 their private drain and sewer systems with the district's system under
26 such penalty as the commissioners shall prescribe by resolution. The
27 district may for such purpose enter upon private property and connect
28 the private drains or sewers with the district system and the cost
29 thereof shall be charged against the property owner and shall be a lien
30 upon property served;

31 (8) Where a district contains within its borders, abuts, or is
32 located adjacent to any lake, stream, ground water as defined by RCW
33 90.44.035, or other waterway within the state of Washington, to provide
34 for the reduction, minimization, or elimination of pollutants from
35 those waters in accordance with the district's comprehensive plan, and
36 to issue general obligation bonds, revenue bonds, local improvement
37 district bonds, or utility local improvement bonds for the purpose of
38 paying all or any part of the cost of reducing, minimizing, or
39 eliminating the pollutants from these waters;

1 (9) To fix rates and charges for water, sewer, and drain service
2 supplied and to charge property owners seeking to connect to the
3 district's systems, as a condition to granting the right to so connect,
4 in addition to the cost of the connection, such reasonable connection
5 charge as the board of commissioners shall determine to be proper in
6 order that those property owners shall bear their equitable share of
7 the cost of the system. For the purposes of calculating a connection
8 charge, the board of commissioners shall determine the pro rata share
9 of the cost of existing facilities and facilities planned for
10 construction within the next ten years and contained in an adopted
11 comprehensive plan and other costs borne by the district which are
12 directly attributable to the improvements required by property owners
13 seeking to connect to the system. The cost of existing facilities
14 shall not include those portions of the system which have been donated
15 or which have been paid for by grants. The connection charge may
16 include interest charges applied from the date of construction of the
17 system until the connection, or for a period not to exceed ten years,
18 whichever is shorter, at a rate commensurate with the rate of interest
19 applicable to the district at the time of construction or major
20 rehabilitation of the system, or at the time of installation of the
21 lines to which the property owner is seeking to connect. A district
22 may permit payment of the cost of connection and the reasonable
23 connection charge to be paid with interest in installments over a
24 period not exceeding fifteen years. The county treasurer may charge
25 and collect a fee of three dollars for each year for the treasurer's
26 services. Those fees shall be a charge to be included as part of each
27 annual installment, and shall be credited to the county current expense
28 fund by the county treasurer. Revenues from connection charges
29 excluding permit fees are to be considered payments in aid of
30 construction as defined by department of revenue rule.

31 Except as otherwise provided in RCW 90.03.525, any public entity
32 and public property, including the state of Washington and state
33 property, shall be subject to rates and charges for sewer, water, storm
34 water control, drainage, and street lighting facilities to the same
35 extent private persons and private property are subject to those rates
36 and charges that are imposed by districts. In setting those rates and
37 charges, consideration may be made of in-kind services, such as stream
38 improvements or donation of property;

1 (10) To contract with individuals, associations and corporations,
2 the state of Washington, and the United States;

3 (11) To employ such persons as are needed to carry out the
4 district's purposes;

5 (12) To contract for the provision of engineering, legal, and other
6 professional services as in the board of commissioner's discretion is
7 necessary in carrying out their duties;

8 (13) To sue and be sued;

9 (14) To loan and borrow funds and to issue bonds and instruments
10 evidencing indebtedness under chapter 57.20 RCW and other applicable
11 laws;

12 (15) To transfer funds, real or personal property, property
13 interests, or services subject to RCW 57.08.015;

14 (16) To levy taxes in accordance with this chapter and chapter
15 57.20 RCW;

16 (17) To provide for making local improvements and to levy and
17 collect special assessments on property benefitted thereby, and for
18 paying for the same or any portion thereof in accordance with chapter
19 57.16 RCW;

20 (18) To establish street lighting systems under RCW 56.08.075 (as
21 recodified by this act);

22 (19) To exercise such other powers as are granted to water-sewer
23 districts by this title or other applicable laws; and

24 (20) To exercise any of the powers granted to cities and counties
25 with respect to the acquisition, construction, maintenance, operation
26 of, and fixing rates and charges for waterworks and systems of sewerage
27 and drainage.

28 NEW SECTION. **Sec. 302.** Except upon approval of both districts by
29 resolution, a district may not provide a service within an area in
30 which that service is available from another district or within an area
31 in which that service is planned to be made available under an
32 effective comprehensive plan of another district.

33 **Sec. 303.** RCW 57.08.011 and 1989 c 308 s 14 are each amended to
34 read as follows:

35 A ((water)) district may enter into a contract with any person,
36 corporation, or other entity, public or private, that owns a water
37 system located in the ((water)) district to manage, operate, maintain,

1 or repair the water system. Such a contract may be entered into only
2 if the general comprehensive plan of the ((water)) district reflects
3 the water system that is to be so managed, operated, maintained, or
4 repaired.

5 A ((water)) district shall be liable to provide the services
6 provided in such a contract only if the required contractual payments
7 are made to the district, and such payments shall be secured by a lien
8 on the property served by the water system to the same extent that
9 rates and charges imposed by the ((water)) district constitute liens on
10 the property served by the district. The responsibility for all costs
11 incurred by the water system in complying with water quality laws,
12 regulations, and standards shall be solely that of the water system and
13 not the ((water)) district, except to the extent payments have been
14 made to the district for the costs of such compliance.

15 A ((water)) district periodically may transfer to another account
16 surplus moneys that may accumulate in an account established by the
17 district to receive payments for the provision of services for such a
18 water system.

19 **Sec. 304.** RCW 57.08.012 and 1988 c 11 s 2 are each amended to read
20 as follows:

21 A ((water)) district by a majority vote of its board of
22 commissioners may fluoridate the water supply system of the ((water))
23 district. The commissioners may cause the proposition of fluoridation
24 of the water supply to be submitted to the ((electors)) voters of the
25 ((water)) district at any general election or special election to be
26 called for the purpose of voting on the proposition. The proposition
27 must be approved by a majority of the ((electors)) voters voting on the
28 proposition to become effective.

29 **Sec. 305.** RCW 57.08.014 and 1983 c 198 s 2 are each amended to
30 read as follows:

31 In addition to the authority of a ((water)) district to establish
32 classifications for rates and charges and impose such rates and
33 charges, ((as provided in RCW 57.08.010 and 57.20.020,)) a ((water))
34 district may adjust(()) or delay ((such)) those rates and charges for
35 ((poor)) low-income persons or classes of ((poor)) low-income persons,
36 including but not limited to, poor handicapped persons and poor senior
37 citizens. Other financial assistance available to ((poor)) low-income

1 persons shall be considered in determining charges and rates under this
2 section. Notification of special rates or charges established under
3 this section shall be provided to all persons served by the district
4 annually and upon initiating service. Information on cost shifts
5 caused by establishment of the special rates or charges shall be
6 included in the notification. Any reduction in charges and rates
7 granted to ~~((poor))~~ low-income persons in one part of a service area
8 shall be uniformly extended to ~~((poor))~~ low-income persons in all other
9 parts of the service area.

10 **Sec. 306.** RCW 57.08.015 and 1993 c 198 s 19 are each amended to
11 read as follows:

12 The board of commissioners of a ~~((water))~~ district may sell, at
13 public or private sale, property belonging to the district if the board
14 determines that the property is not and will not be needed for district
15 purposes and if the board gives notice of intention to sell as in this
16 section provided(~~(:—PROVIDED, That))~~). However, no such notice of
17 intention shall be required to sell personal property of less than two
18 thousand five hundred dollars in value.

19 The notice of intention to sell shall be published once a week for
20 two consecutive weeks in a newspaper of general circulation in the
21 district. The notice shall describe the property and state the time
22 and place at which it will be sold or offered for sale, the terms of
23 sale, whether the property is to be sold at public or private sale, and
24 if at public sale the notice shall call for bids, fix the conditions
25 ~~((thereof))~~ of the bids and ~~((shall))~~ reserve the right to reject any
26 and all bids.

27 **Sec. 307.** RCW 57.08.016 and 1993 c 198 s 20 are each amended to
28 read as follows:

29 (1) There shall be no private sale of real property where the
30 appraised value exceeds the sum of two thousand five hundred dollars.
31 Subject to the provisions of subsection (2) of this section, no real
32 property ~~((valued at two thousand five hundred dollars or more))~~ of the
33 district shall be sold for less than ninety percent of the value
34 thereof as established by a written appraisal made not more than six
35 months prior to the date of sale by three disinterested real estate
36 brokers licensed under the laws of the state or professionally
37 designated real estate appraisers as defined in RCW 74.46.020. The

1 appraisal shall be signed by the appraisers and filed with the
2 secretary of the board of commissioners of the district, who shall keep
3 it at the office of the district open to public inspection. Any notice
4 of intention to sell real property of the district shall recite the
5 appraised value thereof(~~(:—PROVIDED, That there shall be no private~~
6 ~~sale of real property where the appraised value exceeds the sum of two~~
7 ~~thousand five hundred dollars))~~).

8 (2) If no purchasers can be obtained for the property at ninety
9 percent or more of its appraised value after one hundred twenty days of
10 offering the property for sale, the board of commissioners of the
11 (~~water~~) district may adopt a resolution stating that the district has
12 been unable to sell the property at the ninety percent amount. The
13 (~~water~~) district then may sell the property at the highest price it
14 can obtain at public auction. A notice of intention to sell at public
15 auction shall be published once a week for two consecutive weeks in a
16 newspaper of general circulation in the (~~water~~) district. The notice
17 shall describe the property, state the time and place at which it will
18 be offered for sale and the terms of sale, and shall call for bids, fix
19 the conditions thereof, and reserve the right to reject any and all
20 bids.

21 **Sec. 308.** RCW 57.08.030 and 1933 c 142 s 2 are each amended to
22 read as follows:

23 (~~(Should the commissioners of any such water district decide that~~
24 ~~it would be to the advantage of))~~ (1) Whenever any district shall have
25 installed a distributing system of water mains and laterals, and as a
26 source of supply of water shall be purchasing or intending to purchase
27 water from any city or town, and whenever it appears to be advantageous
28 to the water consumers ((of such water district to make the conveyance
29 provided for in RCW 57.08.020, they shall cause the proposition of
30 making such conveyance to be submitted to the electors of the water
31 district at any general election or at a special election to be called
32 for the purpose of voting on the same. If at any such election a
33 majority of the electors voting at such election shall be in favor of
34 making such conveyance, the water district commissioners)) in the
35 district that such city or town shall take over the water system of the
36 district and supply water to those water users, the commissioners of
37 the district, when authorized as provided in subsection (2) of this
38 section, shall have the right to convey ((to such city or town the

1 ~~mains and laterals belonging to the water district upon such city or~~
2 ~~town entering into a contract satisfactory to the water commissioners~~
3 ~~to)) the distributing system to that city or town if that city or town~~
4 ~~is willing to accept, maintain, and repair the same.~~

5 (2) Should the commissioners of the district decide that it would
6 be to the advantage of the water consumers of the district to make the
7 conveyance provided for in subsection (1) of this section, they shall
8 cause the proposition of making that conveyance to be submitted to the
9 voters of the district at any general election or at a special election
10 to be called for the purpose of voting on the same. If at the election
11 a majority of the voters voting on the proposition shall be in favor of
12 making the conveyance, the district commissioners shall have the right
13 to convey to the city or town the mains and laterals belonging to the
14 district upon the city or town entering into a contract satisfactory to
15 the commissioners to maintain and repair the same.

16 (3) Whenever a city or town located wholly or in part within a
17 district shall enter into a contract with the commissioners of a
18 district providing that the city or town shall take over all of the
19 operation of the facilities of the district located within its
20 boundaries, the area of the district located within the city or town
21 shall upon the execution of the contract cease to be served by the
22 district for water service purposes, and the inhabitants therein shall
23 no longer be permitted to vote in the district unless the district
24 continues to provide sewer, drainage, street lighting, or other
25 services to those inhabitants. However, the affected land within that
26 city or town shall remain liable for the payment of all assessments,
27 any lien upon the property at the time of the execution of the
28 agreement, and for any lien of all general obligation bonds due at the
29 date of the contract, and the city shall remain liable for its fair
30 prorated share of the debt of the area for any revenue bonds,
31 outstanding as of the date of contract.

32 **Sec. 309.** RCW 57.08.040 and 1933 c 142 s 3 are each amended to
33 read as follows:

34 Whenever any city or town is selling or proposes to sell water to
35 a ~~((water district organized under the laws of the state of Washington~~
36 ~~and the provisions of RCW 57.08.020 and 57.08.030 have been complied~~
37 ~~with, any such)) district, the city or town may by ordinance accept a~~
38 conveyance of any ~~((such))~~ distributing system and enter into a

1 contract with the ((water)) district for the maintenance and repair of
2 the system and the supplying of water to the ((water)) district
3 consumers.

4 **Sec. 310.** RCW 56.08.060 and 1981 c 45 s 4 are each amended to read
5 as follows:

6 A ((sewer)) district may enter into contracts with any county,
7 city, town, ((sewer district, water district,)) or any other municipal
8 corporation, or with any private person((, firm)) or corporation, for
9 the acquisition, ownership, use, and operation of any property,
10 facilities, or services, within or without the ((sewer)) district, and
11 necessary or desirable to carry out the purposes of the ((sewer
12 district, and a sewer district or a water district duly authorized to
13 exercise sewer district powers may provide sewer service)) district.
14 A district may provide services to property owners in areas within or
15 without the limits of the district(((: PROVIDED, That if any such
16 area))), except that if the area to be served is located within another
17 existing district duly authorized to exercise ((sewer)) district powers
18 in ((such)) that area, then water, sewer, drainage, or street lighting
19 service may not be so provided by contract or otherwise without the
20 consent by resolution of the board of commissioners of ((such)) that
21 other district.

22 **Sec. 311.** RCW 57.08.047 and 1989 c 84 s 57 are each amended to
23 read as follows:

24 The provision of water or sewer service beyond the boundaries of a
25 ((water)) district may be subject to potential review by a boundary
26 review board under chapter 36.93 RCW.

27 NEW SECTION. **Sec. 312.** The board of commissioners shall have
28 authority by resolution to create and fill positions and fix salaries
29 and bonds for those positions.

30 **Sec. 313.** RCW 57.08.050 and 1994 c 31 s 2 are each amended to read
31 as follows:

32 ((1) The board of water commissioners shall have authority to
33 create and fill such positions and fix salaries and bonds thereof as it
34 may by resolution provide.

1 ~~(2)~~) All materials purchased and work ordered, the estimated cost
2 of which is in excess of five thousand dollars, shall be let by
3 contract. All contract projects, the estimated cost of which is less
4 than fifty thousand dollars, may be awarded to a contractor using ~~((a))~~
5 the small works roster process provided in RCW 39.04.155 or the process
6 provided in RCW 39.04.190 for purchases. The board of ~~((water))~~
7 commissioners may set up uniform procedures to prequalify contractors
8 for inclusion on the small works roster. All contract projects equal
9 to or in excess of fifty thousand dollars shall be let by competitive
10 bidding. Before awarding any such contract the board of ~~((water))~~
11 commissioners shall publish a notice in a newspaper of general
12 circulation where the district is located at least once thirteen days
13 before the last date upon which bids will be received, inviting sealed
14 proposals for such work, plans and specifications which must at the
15 time of publication of such notice be on file in the office of the
16 board of ~~((water))~~ commissioners subject to the public inspection.
17 ~~((Such))~~ The notice shall state generally the work to be done and shall
18 call for proposals for doing the same to be sealed and filed with the
19 board of water commissioners on or before the day and hour named
20 therein.

21 ~~((3))~~) Each bid shall be accompanied by a certified or cashier's
22 check or postal money order payable to the order of the county
23 treasurer for a sum not less than five percent of the amount of the
24 bid, or accompanied by a bid bond in an amount not less than five
25 percent of the bid with a corporate surety licensed to do business in
26 the state, conditioned that the bidder will pay the district as
27 liquidated damages the amount specified in the bond, unless the bidder
28 enters into a contract in accordance with ~~((his or her))~~ the bidder's
29 bid, and no bid shall be considered unless accompanied by such check,
30 cash or bid bond. At the time and place named such bids shall be
31 publicly opened and read and the board of ~~((water))~~ commissioners shall
32 proceed to canvass the bids and may let such contract to the lowest
33 responsible bidder upon plans and specifications on file or to the best
34 bidder submitting ~~((his or her))~~ the bidder's own plans and
35 specifications(~~(: PROVIDED, That))~~). However, no contract shall be let
36 in excess of the cost of the materials or work. The board of ~~((water))~~
37 commissioners may reject all bids for good cause and readvertise and in
38 such case all checks, cash or bid bonds shall be returned to the
39 bidders. If ~~((such))~~ the contract ~~((be))~~ is let, then all checks,

1 cash, or bid bonds shall be returned to the bidders, except that of the
2 successful bidder, which shall be retained until a contract shall be
3 entered into for the purchase of such materials or doing ~~((such))~~ the
4 work, and a bond to perform such work furnished with sureties
5 satisfactory to the board of ~~((water))~~ commissioners in the full amount
6 of the contract price between the bidder and the commission in
7 accordance with the bid. If the bidder fails to enter into the
8 contract in accordance with the bid and furnish ~~((such))~~ the bond
9 within ten days from the date at which the bidder is notified that ~~((he~~
10 ~~or she))~~ the bidder is the successful bidder, the check, cash, or bid
11 bonds and the amount thereof shall be forfeited to the ~~((water))~~
12 district~~((:—PROVIDED, That))~~. If the bidder fails to enter into a
13 contract in accordance with ~~((his or her))~~ the bidder's bid, and the
14 board of ~~((water))~~ commissioners deems it necessary to take legal
15 action to collect on any bid bond required ~~((herein))~~ by this section,
16 then the ~~((water))~~ district shall be entitled to collect from the
17 bidder any legal expenses, including reasonable attorneys' fees
18 occasioned thereby.

19 ~~((4))~~ In the event of an emergency when the public interest or
20 property of the ~~((water))~~ district would suffer material injury or
21 damage by delay, upon resolution of the board of ~~((water))~~
22 commissioners, or proclamation of an official designated by the board
23 to act for the board during such emergencies, declaring the existence
24 of such emergency and reciting the facts constituting the same, the
25 board~~((7))~~ or official acting for the board~~((7))~~ may waive the
26 requirements of this chapter with reference to any purchase or
27 contract. In addition, these requirements may be waived for purchases
28 which are clearly and legitimately limited to a single source of supply
29 and purchases involving special facilities, services, or market
30 conditions, in which instances the purchase price may be best
31 established by direct negotiation.

32 **Sec. 314.** RCW 57.08.060 and 1987 c 449 s 11 are each amended to
33 read as follows:

34 ~~((1))~~ In addition to the powers given ~~((water))~~ districts by law,
35 ~~((they))~~ a district shall also have power to acquire, construct,
36 maintain, operate, and develop street lighting systems.

37 ~~((2))~~ To establish a street lighting system, the board of
38 ~~((water))~~ commissioners shall adopt a resolution proposing a street

1 lighting system and delineating the boundaries of the area to be served
2 by the proposed street lighting system. The board shall conduct a
3 public hearing on the resolution to create a street lighting system.
4 Notice of the hearing shall be published at least once each week for
5 two consecutive weeks in one or more newspapers of general circulation
6 in the area to be served by the proposed street lighting system.
7 Following the hearing, the board may by resolution establish the street
8 lighting system.

9 ~~((3))~~ A street lighting system shall not be established if,
10 within thirty days following the decision of the board, a petition
11 opposing the street lighting system is filed with the board and
12 contains the signatures of at least forty percent of the voters
13 registered in the area to be served by the proposed system.

14 ~~((4))~~ The ~~((water))~~ district has the same powers of collection
15 for delinquent street lighting charges as ~~((the water district))~~ it has
16 for collection of delinquent ~~((water))~~ service charges.

17 ~~((5) Any street lighting system established by a water district
18 prior to March 31, 1982, is declared to be legal and valid.))~~

19 **Sec. 315.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to
20 read as follows:

21 ~~((In addition to the powers now given water districts by law,
22 they))~~ Districts shall ~~((also))~~ have power to establish, maintain, and
23 operate a mutual water ~~((and))~~, sewer, drainage, and street lighting
24 system ~~((or))~~, a ~~((separate sewer system within their water district
25 area in the same manner as provided by law for the doing thereof in
26 connection with water supply))~~ mutual system of any two or three of the
27 systems, or separate systems.

28 ~~((In addition thereto, a water district constructing, maintaining
29 and operating a sanitary sewer system may exercise all the powers
30 permitted to a sewer district under Title 56 RCW, including, but not
31 limited to, the right to compel connections to the district's system,
32 liens for delinquent sewer connection charges or sewer service charges,
33 and all other powers presently exercised by or which may be hereafter
34 granted to such sewer districts: PROVIDED, That a water district may
35 not exercise sewer district powers in any area within its boundaries
36 which is part of an existing district which previously shall have been
37 duly authorized to exercise sewer district powers in such area without
38 the consent by resolution of the board of commissioners of such other~~

1 ~~district: PROVIDED FURTHER, That no water district shall proceed to~~
2 ~~exercise the powers herein granted to establish, maintain, construct~~
3 ~~and operate any sewer system without first obtaining written approval~~
4 ~~and certification of necessity so to do from the department of ecology~~
5 ~~and department of social and health services. Any comprehensive plan~~
6 ~~for a system of sewers or addition thereto or betterment thereof shall~~
7 ~~be approved by the same county and state officials as are required to~~
8 ~~approve such plans adopted by a sewer district.~~

9 A water district shall have the power to issue general obligation
10 bonds for sewer system purposes: PROVIDED, That a proposition to
11 authorize general obligation bonds payable from excess tax levies for
12 sewer system purposes pursuant to chapter 56.16 RCW shall be submitted
13 to all of the qualified voters within that part of the water district
14 which is not contained within another existing district duly authorized
15 to exercise sewer district powers, and the taxes to pay the principal
16 of and interest on the bonds approved by such voters shall be levied
17 only upon all of the taxable property within such part of the water
18 district.))

19 NEW SECTION. **Sec. 316.** The commissioners of any district shall
20 provide for revenues by fixing rates and charges for the furnishing of
21 water supply to those receiving such service and for the furnishing of
22 sewer service to those to whom service is available, such rates and
23 charges to be fixed as deemed necessary by the commissioners, so that
24 uniform charges will be made for the same class of customer or service.
25 Rates and charges may be combined for the furnishing of more than one
26 type of sewer service, such as but not limited to storm or surface
27 water and sanitary.

28 In classifying customers served or service furnished by such water
29 supply or sewer system, the board of commissioners may in its
30 discretion consider any or all of the following factors: The
31 difference in cost of service to various customers; the location of the
32 various customers within and without the district; the difference in
33 cost of maintenance, operation, repair, and replacement of the various
34 parts of the system; the different character of the service furnished
35 various customers; the quantity and quality of the service furnished;
36 the time of its use; the achievement of water conservation goals and
37 the discouragement of wasteful practices; capital contributions made to
38 the system including but not limited to assessments; and any other

1 matters which present a reasonable difference as a ground for
2 distinction. Rates shall be made on a monthly basis as may be deemed
3 proper by the commissioners and as fixed by resolution and shall
4 produce revenues sufficient to take care of the costs of maintenance
5 and operation, revenue bond and warrant interest and principal
6 amortization requirements, and all other charges necessary for
7 efficient and proper operation of the system.

8 The commissioners shall enforce collection of connection charges
9 and rates and charges for services supplied against property owners
10 either or both connecting with the system and receiving those services,
11 such charges being deemed charges against the property served, by
12 addition of penalties of not more than ten percent thereof in case of
13 failure to pay the charges at times fixed by resolution. The
14 commissioners may provide by resolution that where either connection
15 charges or rates and charges for services supplied are delinquent for
16 any specified period of time, the district shall certify the
17 delinquencies to the treasurer of the county in which the real property
18 is located, and the charges and any penalties added thereto and
19 interest thereon at the rate of not more than the prime lending rate of
20 the district's bank plus four percentage points per year shall be a
21 lien against the property upon which the service was received, subject
22 only to the lien for general taxes.

23 The district may, at any time after the connection charges or rates
24 and charges for services supplied and penalties are delinquent for a
25 period of sixty days, bring suit in foreclosure by civil action in the
26 superior court of the county in which the real property is located.
27 The court may allow, in addition to the costs and disbursements
28 provided by statute, attorneys' fees, title search and report costs,
29 and expenses as it adjudges reasonable. The action shall be in rem,
30 and may be brought in the name of the district against an individual or
31 against all of those who are delinquent in one action. The laws and
32 rules of the court shall control as in other civil actions.

33 In addition to the right to foreclose provided in this section, the
34 district may also cut off all or part of the service after charges for
35 water or sewer service supplied are delinquent for a period of sixty
36 days.

37 **Sec. 317.** RCW 56.08.012 and 1986 c 278 s 59 are each amended to
38 read as follows:

1 Except as otherwise provided in RCW 90.03.525, any public entity
2 and public property, including ~~((the))~~ state of Washington ~~((and~~
3 ~~state))~~ property, shall be subject to rates and charges for storm water
4 control facilities to the same extent as private persons and private
5 property are subject to such rates and charges that are imposed by
6 ~~((sewer))~~ districts pursuant to ~~((RCW 56.08.010 or 56.16.090))~~ section
7 301 or 316 of this act. In setting ~~((these))~~ those rates and charges,
8 consideration may be ~~((made of))~~ given to in-kind services, such as
9 stream improvements or donation of property.

10 **Sec. 318.** RCW 57.08.100 and 1991 sp.s. c 30 s 25 are each amended
11 to read as follows:

12 Subject to chapter 48.62 RCW, a ~~((water))~~ district, by a majority
13 vote of its board of commissioners, may enter into contracts to provide
14 health care services and/or group insurance and/or term life insurance
15 and/or social security insurance for the benefit of its employees and
16 may pay all or any part of the cost thereof. Any two or more ~~((water))~~
17 ~~districts ((or any one or more water districts and one or more sewer~~
18 ~~districts))~~, by a majority vote of their respective boards of
19 commissioners, may, if deemed expedient, join in the procuring of such
20 health care services and/or group insurance and/or term life insurance,
21 and the board of commissioners of ~~((each))~~ a participating ~~((sewer~~
22 ~~and/or water))~~ district may by appropriate resolution authorize
23 ~~((their))~~ its respective district to pay all or any portion of the cost
24 thereof.

25 A ~~((water))~~ district with five thousand or more customers providing
26 health, group, or life insurance to its employees may provide its
27 commissioners with the same coverage~~((:—PROVIDED, That))~~. However,
28 the per person amounts for such insurance paid by the district shall
29 not exceed the per person amounts paid by the district for its
30 employees.

31 **Sec. 319.** RCW 57.08.105 and 1973 c 125 s 7 are each amended to
32 read as follows:

33 The board of ~~((water))~~ commissioners of each ~~((water))~~ district may
34 purchase liability insurance with such limits as ~~((they))~~ it may deem
35 reasonable for the purpose of protecting ~~((their))~~ its officials and
36 employees against liability for personal or bodily injuries and

1 property damage arising from their acts or omissions while performing
2 or in good faith purporting to perform their official duties.

3 **Sec. 320.** RCW 57.08.110 and 1995 c 301 s 76 are each amended to
4 read as follows:

5 To improve the organization and operation of ((water)) districts,
6 the commissioners of two or more such districts may form an association
7 or associations thereof, for the purpose of securing and disseminating
8 information of value to the members of the association and for the
9 purpose of promoting the more economical and efficient operation of the
10 comprehensive plans of water supply and sewage treatment and disposal
11 in their respective districts. The commissioners of ((water))
12 districts so associated shall adopt articles of association, select
13 such officers as they may determine, and employ and discharge such
14 agents and employees as shall be deemed convenient to carry out the
15 purposes of the association. ((Water)) District commissioners and
16 employees are authorized to attend meetings of the association. The
17 expenses of ((the)) an association may be paid from the maintenance or
18 general funds of the associated districts in such manner as shall be
19 provided in the articles of association(~~(: PROVIDED, That)~~). However,
20 the aggregate contributions made to ((the)) an association by ((the))
21 a district in any calendar year shall not exceed the amount ((which))
22 that would be raised by a levy of two and one-half cents per thousand
23 dollars of assessed value against the taxable property of the district.
24 The financial records of such an association shall be subject to audit
25 by the state auditor.

26 **Sec. 321.** RCW 57.08.120 and 1991 c 82 s 6 are each amended to read
27 as follows:

28 A ((water)) district may lease out real property which it owns or
29 in which it has an interest and which is not immediately necessary for
30 its purposes upon such terms as the board of ((water)) commissioners
31 deems proper(~~(: PROVIDED, That)~~). No such lease shall be made until
32 the ((water)) district has first caused notice thereof to be published
33 twice in a newspaper in general circulation in the ((water)) district,
34 the first publication to be at least fifteen days and the second at
35 least seven days prior to the making of such lease(~~(, which)~~). The
36 notice shall describe the property (~~(proposed to be leased out, to~~
37 ~~whom, for what purpose, and the rental to be charged therefor)~~), the

1 lessee, and the lease payments. A hearing shall be held pursuant to
2 the terms of the ~~((said))~~ notice, at which time any and all persons who
3 may be interested shall have the right to appear and to be heard.

4 No such lease shall be ~~((for a period longer than twenty five~~
5 ~~years, and each lease of real property shall be))~~ made unless secured
6 by a bond conditioned ~~((to perform))~~ on the performance of the terms of
7 ~~((such))~~ the lease, with surety satisfactory to the commissioners~~((, in~~
8 ~~a penalty not less than the rental for one sixth of the term:~~
9 ~~PROVIDED, That the penalty shall not be less than the rental for one~~
10 ~~year where the term is one year or more. In a lease, the term of which~~
11 ~~exceeds five years, and when at the option of the commissioners, it is~~
12 ~~so stipulated in the lease, the commission shall accept, with surety~~
13 ~~satisfactory to it,))~~ and with a penalty of not less than one-sixth of
14 the term of the lease or for one year's rental, whichever is greater.

15 No such lease shall be made for a term longer than twenty-five
16 years. In cases involving leases of more than five years, the
17 commissioners may provide for or stipulate to acceptance of a bond
18 conditioned ~~((to perform the terms of the lease for some part of the~~
19 term, in no event less than five years (unless the remainder of the
20 unexpired term is less than five years, in which case for the full
21 remainder) and in every such case the commissioners shall require of
22 the lessee, another or other like bond to be delivered within two
23 years, and not)) on the performance of a part of the term for five
24 years or more whenever it is further provided that the lessee must
25 procure and deliver to the commissioners renewal bonds with like terms
26 and conditions no more than two years prior nor less than one year
27 prior to the expiration of ~~((the period covered by the existing bond,~~
28 covering an additional part of the term in accordance with the
29 foregoing provisions in respect to the original bond, and so on until
30 the end of the term so that there will always be in force a bond
31 securing the performance of the lease, and the penalty in each bond
32 shall be not less than the rental for one half the period covered
33 thereby, but no)) such bond during the entire term of the lease.
34 However, no such bond shall be construed to secure the furnishing of
35 any other bond by the same surety or indemnity company. ~~((However,))~~
36 The board of commissioners may require a reasonable security deposit in
37 lieu of a bond on leased ~~((real))~~ property owned by a ~~((water))~~
38 district.

1 The commissioners may accept as surety on any bond required by this
2 section(~~(, either)~~) an approved surety company (~~(or one or more persons~~
3 ~~satisfactory to the commissioners, or in lieu of such bond may accept~~
4 ~~a deposit as security of such property or collateral or the giving of~~
5 ~~such other form of security as may be satisfactory to the~~
6 ~~commissioners)), or may accept in lieu thereof a secured interest in
7 property of a value at least twice the amount of the bond required,
8 conditioned further that in the event the commissioners determine that
9 the value of the bond security has become or is about to become
10 impaired, additional security shall be required from the lessee.~~

11 The authority granted under this section shall not be exercised by
12 the board of commissioners unless the property is declared by
13 resolution of the board of commissioners to be property for which there
14 is a future need by the district and for the use of which provision is
15 made in the comprehensive plan of the district as the same may be
16 amended from time to time.

17 **Sec. 322.** RCW 57.08.140 and 1971 ex.s. c 243 s 8 are each amended
18 to read as follows:

19 The provisions of RCW 57.08.015, 57.08.016, and 57.08.120 (~~and~~
20 ~~57.08.130~~) shall have no application as to the sale or conveyance of
21 real or personal property or any interest or right therein by a
22 (~~water~~) district to the county or park and recreation district
23 wherein such property is located for park and recreational purposes,
24 but in (~~such~~) those cases the provisions of RCW 39.33.060 shall
25 govern.

26 **Sec. 323.** RCW 57.08.017 and 1986 c 244 s 16 are each amended to
27 read as follows:

28 RCW 57.08.015, 57.08.016, 57.08.050, and 57.08.120(~~(, and~~
29 ~~57.08.130)~~) shall not apply to agreements entered into under authority
30 of chapter 70.150 RCW (~~provided~~) if there is compliance with the
31 procurement procedure under RCW 70.150.040.

32 **Sec. 324.** RCW 57.08.180 and 1995 c 376 s 15 are each amended to
33 read as follows:

34 It is unlawful and a misdemeanor to make, or cause to be made, or
35 to maintain any connection with any sewer or water system of any
36 (~~water~~) district, or with any sewer or water system which is

1 connected directly or indirectly with any sewer or water system of any
2 ((water)) district without having permission from the ((water))
3 district.

4 **Sec. 325.** RCW 57.08.150 and 1987 c 309 s 4 are each amended to
5 read as follows:

6 A ((water)) district may not require that a specified engineer
7 prepare plans or designs for extensions to its systems if the
8 extensions are to be financed and constructed by a private party, but
9 may review, and approve or reject, the plans or designs which have been
10 prepared for such a private party based upon standards and requirements
11 established by the ((water)) district.

12 **Sec. 326.** RCW 57.08.160 and 1989 c 421 s 5 are each amended to
13 read as follows:

14 Any district is hereby authorized, within limits established by the
15 Constitution of the state of Washington, to assist the owners of
16 structures in financing the acquisition and installation of fixtures,
17 systems, and equipment, for compensation or otherwise, for the
18 conservation or more efficient use of water in the structures under a
19 water conservation plan adopted by the district if the cost per unit of
20 water saved or conserved by the use of the fixtures, systems, and
21 equipment is less than the cost per unit of water supplied by the next
22 least costly new water source available to the district to meet future
23 demand. Except where otherwise authorized, assistance shall be limited
24 to:

25 (1) Providing an inspection of the structure, either directly or
26 through one or more inspectors under contract, to determine and inform
27 the owner of the estimated cost of purchasing and installing
28 conservation fixtures, systems, and equipment for which financial
29 assistance will be approved and the estimated life cycle savings to the
30 water system and the consumer that are likely to result from the
31 installation of the fixtures, systems, or equipment;

32 (2) Providing a list of businesses that sell and install the
33 fixtures, systems, and equipment within or in close proximity to the
34 service area of the city or town, each of which businesses shall have
35 requested to be included and shall have the ability to provide the
36 products in a workmanlike manner and to utilize the fixtures, systems,
37 and equipment in accordance with the prevailing national standards;

1 (3) Arranging to have approved conservation fixtures, systems, and
2 equipment installed by a private contractor whose bid is acceptable to
3 the owner of the structure and verifying the installation; and

4 (4) Arranging or providing financing for the purchase and
5 installation of approved conservation fixtures, systems, and equipment.
6 The fixtures, systems, and equipment shall be purchased or installed by
7 a private business, the owner, or the utility.

8 Pay back shall be in the form of incremental additions to the
9 utility bill, billed either together with the use charge or separately.

10 Loans shall not exceed one hundred twenty months in length.

11 **Sec. 327.** RCW 57.08.170 and 1991 c 82 s 7 are each amended to read
12 as follows:

13 A (~~water~~) district may adopt a water conservation plan and
14 emergency water use restrictions. The district may enforce a water
15 conservation plan and emergency water use restrictions by imposing a
16 fine as provided by resolution for failure to comply with any such plan
17 or restrictions. The commissioners may provide by resolution that if
18 a fine for failure to comply with the water conservation plan or
19 emergency water use restrictions is delinquent for a specified period
20 of time, the district shall certify the delinquency to the treasurer of
21 the county in which the real property is located and serve notice of
22 the delinquency on the subscribing water customer who fails to comply,
23 and the fine is then a separate item for inclusion on the bill of the
24 party failing to comply with the water conservation plan or emergency
25 water use restrictions.

26 NEW SECTION. **Sec. 328.** Sections 301, 302, 312, and 316 of this
27 act are each added to chapter 57.08 RCW.

28 **PART IV - OFFICERS AND ELECTIONS**

29 **Sec. 401.** RCW 57.12.010 and 1985 c 330 s 6 are each amended to
30 read as follows:

31 The governing body of a district shall be a board of (~~water~~)
32 commissioners consisting of three members, or five members as provided
33 in RCW 57.12.015. The board shall annually elect one of its members as
34 president and another as secretary.

1 The board shall by resolution adopt rules governing the
2 transaction of its business and shall adopt an official seal. All
3 proceedings shall be by resolution recorded in a book kept for that
4 purpose which shall be a public record.

5 A district shall provide by resolution for the payment of
6 compensation to each of its commissioners at a rate of fifty dollars
7 for each day or portion thereof devoted to the business of the
8 district(~~(:—PROVIDED, That)~~). However the compensation for each
9 commissioner shall not exceed four thousand eight hundred dollars per
10 year. In addition, the secretary may be paid a reasonable sum for
11 clerical services.

12 Any commissioner may waive all or any portion of his or her
13 compensation payable under this section as to any month or months
14 during (~~(his or her)~~) the commissioner's term of office, by a written
15 waiver filed with the district (~~((as provided in this section.—The~~
16 ~~waiver, to be effective, must be filed))~~) at any time after the
17 commissioner's election and prior to the date on which the compensation
18 would otherwise be paid. The waiver shall specify the month or period
19 of months for which it is made.

20 No commissioner shall be employed full time by the district.
21 (~~Each~~) A commissioner shall be reimbursed for reasonable expenses
22 actually incurred in connection with (~~(such))~~ district business,
23 including (~~(his))~~ subsistence and lodging(~~(-)~~) while away from the
24 commissioner's place of residence and mileage for use of a privately-
25 owned vehicle at the mileage rate authorized in RCW 43.03.060 (~~(as now~~
26 ~~existing or hereafter amended))~~).

27 (~~(The date for holding elections and taking office as herein~~
28 ~~provided shall be subject to the provisions of any consolidated~~
29 ~~election laws that may be made applicable thereto although previously~~
30 ~~enacted.)~~)

31 **Sec. 402.** RCW 57.12.015 and 1994 c 223 s 67 are each amended to
32 read as follows:

33 In the event a three-member board of commissioners of any (~~(water))~~
34 district with any number of customers determines by resolution that it
35 would be in the best interest of the district to increase the number of
36 commissioners from three to five, or (~~(in the event))~~ if the board of
37 a district with any number of customers is presented with a petition
38 signed by ten percent of the registered voters resident within the

1 district who voted in the last general municipal election calling for
2 an increase in the number of commissioners of the district, the board
3 shall submit a resolution to the county auditor requesting that an
4 election be held. Upon receipt of the resolution, the county auditor
5 shall call a special election to be held within the ((water)) district
6 ((in accordance with RCW 29.13.010 and 29.13.020)), at which election
7 a proposition in substantially the following language shall be
8 submitted to the voters:

9 Shall the Board of Commissioners of (name and/or ((No.))
10 number of ((water)) district) be increased from three to
11 five members?

12 Yes

13 No

14 If the proposition receives a majority approval at the election the
15 board of commissioners of the ((water)) district shall be increased to
16 five members. In any ((water)) district with more than ten thousand
17 customers, if a three-member board of commissioners determines by
18 resolution that it would be in the best interest of the district to
19 increase the number of commissioners from three to five, the number of
20 commissioners shall be so increased without an election, unless within
21 ninety days of adoption of that resolution a petition requesting an
22 election and signed by at least ten percent of the registered voters
23 who voted in the last general municipal election is filed with the
24 board. If such a petition is received, the board shall submit the
25 resolution and the petition to the county auditor, who shall call a
26 special election in the manner described in this section ((and in
27 accordance with the provisions of RCW 29.13.010 and 29.13.020)).

28 The two positions created on boards of ((water)) commissioners by
29 this section shall be filled initially ((either)) as for a vacancy ((or
30 by nomination under RCW 57.12.039)), except that the appointees ((or
31 newly elected commissioners)) shall draw lots, one appointee to serve
32 until the next general ((water)) district election after the
33 appointment, at which two commissioners shall be elected for six-year
34 terms, and the other appointee to serve until the second general
35 ((water)) district election after the appointment, at which two
36 commissioners shall be elected for six-year terms.

1 NEW SECTION. **Sec. 403.** A new section is added to Title 57 RCW to
2 read as follows:

3 The date for holding elections and taking office as provided in
4 this chapter is subject to the provisions of any consolidated election
5 laws that may be made applicable thereto although previously enacted.

6 NEW SECTION. **Sec. 404.** A new section is added to Title 57 RCW to
7 read as follows:

8 At the election held to form a district, there shall be elected
9 three commissioners who shall assume office immediately when qualified
10 in accordance with RCW 29.01.135 to hold office for terms of two, four,
11 and six years, respectively, and until their successors are elected and
12 qualified and assume office in accordance with RCW 29.04.170.

13 The term of each nominee shall be expressed on the ballot and shall
14 be computed from the first day of January next following if the initial
15 election of the district commissioners was at a general election as
16 provided in RCW 29.13.010, or from the first day of January following
17 the first general election for districts after its creation if the
18 initial election was on a date other than a general election.
19 Thereafter, every two years there shall be elected a commissioner for
20 a term of six years and until the commissioner's successor is elected
21 and qualified, at the general election held in the odd-numbered years,
22 as provided in RCW 29.13.020, and conducted by the county auditor.
23 Each commissioner shall assume office in accordance with RCW 29.04.170.

24 NEW SECTION. **Sec. 405.** A new section is added to Title 57 RCW to
25 read as follows:

26 Nominations for the first board of commissioners to be elected at
27 the election for the formation of a district shall be by petition of at
28 least ten percent of the registered voters, or fifty of the registered
29 voters of the district who voted in the last general municipal
30 election, whichever is smaller. The petition shall be filed in the
31 auditor's office of the county in which the district is located at
32 least forty-five days prior to the election. Thereafter, candidates
33 for the office of commissioner shall file declarations of candidacy and
34 their elections shall be conducted as provided by the general election
35 laws.

1 NEW SECTION. **Sec. 406.** A new section is added to Title 57 RCW to
2 read as follows:

3 All expenses for the formation of a district shall be paid by the
4 county in which the election is held and the expenditure is declared to
5 be a county purpose, and the money paid for that purpose shall be
6 repaid to the county by the district if formed. The expenses for all
7 other district elections shall be paid for out of the funds of the
8 district.

9 Except as provided in this section, the term of office of each
10 district commissioner shall be six years, such term to be computed from
11 the first day of January following the election, and one commissioner
12 shall be elected at each biennial general election, as provided in RCW
13 29.13.020, for the term of six years and until his or her successor is
14 elected and qualified and assumes office in accordance with RCW
15 29.04.170. All candidates shall be voted upon by the entire district
16 unless commissioner districts are formed under section 407 of this act.

17 NEW SECTION. **Sec. 407.** A new section is added to Title 57 RCW to
18 read as follows:

19 The board of commissioners may provide by majority vote that
20 subsequent commissioners be elected from commissioner districts within
21 the district. If the board exercises this option, it shall divide the
22 district into three or five commissioner districts of approximately
23 equal population following current precinct and district boundaries.
24 Thereafter, candidates shall be nominated and one candidate shall be
25 elected from each commissioner district by the voters of the
26 commissioner district.

27 **Sec. 408.** RCW 57.12.045 and 1987 c 449 s 13 are each amended to
28 read as follows:

29 If a ((water)) commissioner is absent from three consecutive
30 regularly scheduled meetings unless by permission of the board, the
31 office may be declared vacant by the board of commissioners and the
32 vacancy shall then be filled as provided for in this chapter. However,
33 such an action shall not be taken unless the commissioner is notified
34 by mail after two consecutive unexcused absences that the position will
35 be declared vacant if the commissioner is absent without being excused
36 from the next regularly scheduled meeting.

PART V - COMPREHENSIVE PLANS

Sec. 501. RCW 57.16.010 and 1990 1st ex.s. c 17 s 35 are each amended to read as follows:

The ~~((water))~~ district commissioners before ordering any improvements ~~((hereunder))~~ or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan ~~((of water supply for the district. They))~~ for a sewer system, a general comprehensive plan for a water supply system, a general comprehensive plan for a drainage system, and a general comprehensive plan for street lighting. A district may prepare a separate general comprehensive plan for each of these services and other services that districts are permitted to provide, or the district may combine any or all of its comprehensive plans into a single general comprehensive plan.

For a general comprehensive plan of a water supply system, the commissioners shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine, and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies~~((+))~~ and the lands, waters, and water rights and easements necessary therefor, and for retaining and storing any such waters, and erecting dams, reservoirs, aqueducts, and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The ~~((water—district))~~ commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against ~~((such water))~~ the district and against local improvement districts or utility local improvement districts within ~~((such water))~~ the district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such

1 district, and shall determine whether the whole or part of the cost and
2 expenses shall be paid from ((water)) revenue bonds. ((After July 23,
3 1989, when the district adopts a general comprehensive plan or plans
4 for an area annexed as provided for in RCW 57.16.010, the district
5 shall include a long term plan for financing the planned projects. The
6 commissioners may employ such engineering and legal service as in their
7 discretion is necessary in carrying out their duties.

8 The)) For a general comprehensive plan for a sewer system, the
9 commissioners shall investigate all portions and sections of the
10 district and select a general comprehensive plan for a sewer system for
11 the district suitable and adequate for present and reasonably
12 foreseeable future needs thereof. The general comprehensive plan shall
13 provide for treatment plants and other methods for the disposal of
14 sewage and industrial and other liquid wastes now produced or which may
15 reasonably be expected to be produced within the district and shall,
16 for such portions of the district as may then reasonably be served,
17 provide for the acquisition or construction and installation of
18 laterals, trunk sewers, intercepting sewers, syphons, pumping stations
19 or other sewage collection facilities, septic tanks, septic tank
20 systems or drainfields, and systems for the transmission and treatment
21 of wastewater. The general comprehensive plan shall provide the method
22 of distributing the cost and expense of the sewer system provided
23 therein against the district and against utility local improvement
24 districts within the district, including any utility local improvement
25 districts lying wholly or partially within any other political
26 subdivision included in the district; and provide whether the whole or
27 some part of the cost and expenses shall be paid from revenue bonds.

28 Any general comprehensive plan or plans shall be adopted by
29 resolution and submitted to an engineer designated by the legislative
30 authority of the county in which fifty-one percent or more of the area
31 of the district is located, and to the director of health of the county
32 in which the district or any portion thereof is located, and must be
33 approved in writing by the engineer and director of health. The
34 general comprehensive plan shall be approved, conditionally approved,
35 or rejected by the director of health ((within sixty days of the plan's
36 receipt)) and by the designated engineer within sixty days of ((the
37 plan's receipt)) their respective receipt of the plan. However, this
38 sixty-day time limitation may be extended by the director of health or

1 engineer for up to an additional sixty days if sufficient time is not
2 available to review adequately the general comprehensive plans.

3 Before becoming effective, the general comprehensive plan shall
4 also be submitted to, and approved by resolution of, the legislative
5 authority of every county within whose boundaries all or a portion of
6 the ((water)) district lies. The general comprehensive plan shall be
7 approved, conditionally approved, or rejected by each of ((these)) the
8 county legislative authorities pursuant to the criteria in RCW
9 57.02.040 for approving the formation, reorganization, annexation,
10 consolidation, or merger of ((water)) districts(~~(, and)~~). The
11 resolution, ordinance, or motion of the legislative body ((which)) that
12 rejects the comprehensive plan or a part thereof shall specifically
13 state in what particular the comprehensive plan or part thereof
14 rejected fails to meet these criteria. The general comprehensive plan
15 shall not provide for the extension or location of facilities that are
16 inconsistent with the requirements of RCW 36.70A.110. The legislative
17 body may not impose requirements restricting the maximum size of the
18 water supply or sewer system facilities provided for in the
19 comprehensive plan. However, nothing in this chapter shall preclude a
20 county from rejecting a proposed plan because it is in conflict with
21 the criteria in RCW 57.02.040. Each general comprehensive plan shall
22 be deemed approved if the county legislative authority fails to reject
23 or conditionally approve the plan within ninety days of the plan's
24 submission to the county legislative authority or within thirty days of
25 a hearing on the plan when the hearing is held within ninety days of
26 submission to the county legislative authority. However, a county
27 legislative authority may extend this ninety-day time limitation by up
28 to an additional ninety days where a finding is made that ninety days
29 is insufficient to review adequately the general comprehensive plan.
30 In addition, the ((water)) commissioners and the county legislative
31 authority may mutually agree to an extension of the deadlines in this
32 section. If the district includes portions or all of one or more
33 cities or towns, the general comprehensive plan shall be submitted also
34 to, and approved by resolution of, the ((governing bodies of such))
35 legislative authorities of the cities and towns before becoming
36 effective. The general comprehensive plan shall be deemed approved by
37 the city or town ((governing body)) legislative authority if the city
38 or town ((governing body)) legislative authority fails to reject or
39 conditionally approve the plan within ninety days of the plan's

1 submission to the city or town or within thirty days of a hearing on
2 the plan when the hearing is held within ninety days of submission to
3 the county legislative authority. However, a city or town (~~governing~~
4 ~~body~~) legislative authority may extend this time limitation by up to
5 an additional ninety days where a finding is made that insufficient
6 time exists to adequately review the general comprehensive plan within
7 these time limitations. In addition, the (~~sewer~~[~~water~~])
8 commissioners and the city or town (~~governing body~~) legislative
9 authority may mutually agree to an extension of the deadlines in this
10 section.

11 Before becoming effective, the general comprehensive plan shall be
12 approved by any state agency whose approval may be required by
13 applicable law. Before becoming effective, any amendment to,
14 alteration of, or addition to, a general comprehensive plan shall also
15 be subject to such approval as if it were a new general comprehensive
16 plan(~~:- PROVIDED, That~~). However, only if the amendment, alteration,
17 or addition affects a particular city or town, shall the amendment,
18 alteration, or addition be subject to approval by such particular city
19 or town governing body.

20 **Sec. 502.** RCW 56.08.030 and 1953 c 250 s 5 are each amended to
21 read as follows:

22 No expenditure for carrying on any part of (~~such~~) a general
23 comprehensive plan shall be made other than the necessary salaries of
24 engineers, clerical, (~~and~~) office expenses, and other professional
25 expenses of the district, and the cost of engineering, surveying,
26 preparation, and collection of data necessary for making and adopting
27 a general plan of improvements in the district, until the general
28 comprehensive plan of improvements has been adopted by the
29 commissioners and approved as provided in RCW (~~56.08.020~~) 57.16.010.

30 NEW SECTION. **Sec. 503.** A new section is added to Title 57 RCW to
31 read as follows:

32 Whenever an area has been annexed to a district after the adoption
33 of a general comprehensive plan, the commissioners shall adopt by
34 resolution a plan for additions and betterments to the original
35 comprehensive plan to provide for the needs of the area annexed.

1 local improvement district shall be paid into the revenue bond fund,
2 except that special assessments paid before the issuance and sale of
3 bonds may be deposited in a fund for the payment of costs of
4 improvements in the utility local improvement district.

5 ~~((+2))~~ Such bonds may also be issued and sold in accordance with
6 chapter 39.46 RCW.

7 **Sec. 602.** RCW 57.16.060 and 1991 c 190 s 7 are each amended to
8 read as follows:

9 Local improvement districts or utility local improvement districts
10 to carry out the whole or any portion of the general comprehensive plan
11 of improvements or plan providing for additions and betterments to
12 ~~((the))~~ an original general comprehensive plan previously adopted may
13 be initiated either by resolution of the board of ~~((water))~~
14 commissioners or by petition signed by the owners according to the
15 records of the office of the applicable county ~~((auditor))~~ treasurer of
16 at least fifty-one percent of the area of the land within the limits of
17 the local improvement district to be created.

18 In case the board of ~~((water))~~ commissioners desires to initiate
19 the formation of a local improvement district or a utility local
20 improvement district by resolution, it first shall ~~((first))~~ pass a
21 resolution declaring its intention to order ~~((such))~~ the improvement,
22 setting forth the nature and territorial extent of such proposed
23 improvement, designating the number of the proposed local improvement
24 district or utility local improvement district, and describing the
25 boundaries thereof, stating the estimated cost and expense of the
26 improvement and the proportionate amount thereof which will be borne by
27 the property within the proposed district, and fixing a date, time, and
28 place for a public hearing on the formation of the proposed local
29 district.

30 In case any such local improvement district or utility local
31 improvement district is initiated by petition, ~~((such))~~ the petition
32 shall set forth the nature and territorial extent of the proposed
33 improvement requested to be ordered and the fact that the signers
34 thereof are the owners according to the records of the applicable
35 county ~~((auditor))~~ treasurer of at least fifty-one percent of the area
36 of land within the limits of the local improvement district or utility
37 local improvement district to be created. Upon the filing of such
38 petition the board shall determine whether the petition is sufficient,

1 and the board's determination thereof shall be conclusive upon all
2 persons. No person may withdraw his or her name from the petition
3 after it has been filed with the board of ((water)) commissioners. If
4 the board finds the petition to be sufficient, it shall proceed to
5 adopt a resolution declaring its intention to order the improvement
6 petitioned for, setting forth the nature and territorial extent of the
7 improvement, designating the number of the proposed local district and
8 describing the boundaries thereof, stating the estimated cost and
9 expense of the improvement and the proportionate amount thereof which
10 will be borne by the property within the proposed local district, and
11 fixing a date, time, and place for a public hearing on the formation of
12 the proposed local district.

13 Notice of the adoption of the resolution of intention, whether the
14 resolution was adopted on the initiative of the board or pursuant to a
15 petition of the property owners, shall be published in at least two
16 consecutive issues of a newspaper of general circulation in the
17 proposed local district, the date of the first publication to be at
18 least fifteen days prior to the date fixed by such resolution for
19 hearing before the board of ((water)) commissioners. Notice of the
20 adoption of the resolution of intention shall also be given each owner
21 or reputed owner of any lot, tract, parcel of land, or other property
22 within the proposed improvement district by mailing the notice at least
23 fifteen days before the date fixed for the public hearing to the owner
24 or reputed owner of the property as shown on the tax rolls of the
25 county treasurer of the county in which the real property is located at
26 the address shown thereon. Whenever such notices are mailed, the
27 ((water)) commissioners shall maintain a list of ((such)) the reputed
28 property owners, which list shall be kept on file at a location within
29 the ((water)) district and shall be made available for public perusal.
30 The notices shall refer to the resolution of intention and designate
31 the proposed improvement district by number. The notices also shall
32 ((also)) set forth the nature of the proposed improvement, the total
33 estimated cost, the proportion of total cost to be borne by
34 assessments, and the date, time, and place of the hearing before the
35 board of ((water)) commissioners. In the case of improvements
36 initiated by resolution, the notice also shall ((also)): (1) State
37 that all persons desiring to object to the formation of the proposed
38 district must file their written protests with the secretary of the
39 board of ((water)) commissioners no later than ten days after the

1 public hearing; (2) state that if owners of at least forty percent of
2 the area of land within the proposed district file written protests
3 with the secretary of the board, the power of the ((water))
4 commissioners to proceed with the creation of the proposed district
5 shall be divested; (3) provide the name and address of the secretary of
6 the board; and (4) state the hours and location within the ((water))
7 district where the names of the property owners within the proposed
8 district are kept available for public perusal. In the case of the
9 notice given each owner or reputed owner by mail, the notice shall set
10 forth the estimated amount of the cost and expense of such improvement
11 to be borne by the particular lot, tract, parcel of land, or other
12 property.

13 ~~((Whether the improvement is initiated by petition or resolution,~~
14 ~~the board shall conduct a public hearing at the time and place~~
15 ~~designated in the notice to property owners. At this hearing the board~~
16 ~~shall hear objections from any person affected by the formation of the~~
17 ~~local district and may make such changes in the boundaries of the~~
18 ~~district or such modifications in the plans for the proposed~~
19 ~~improvement as shall be deemed necessary. The board may not change the~~
20 ~~boundaries of the district to include property not previously included~~
21 ~~in it without first passing a new resolution of intention and giving a~~
22 ~~new notice to property owners in the manner and form and within the~~
23 ~~time provided in this chapter for the original notice.~~

24 ~~After the hearing and the expiration of the ten-day period for~~
25 ~~filing written protests, the commissioners shall have jurisdiction to~~
26 ~~overrule protests and proceed with any such improvement initiated by~~
27 ~~petition or resolution. The jurisdiction of the commissioners to~~
28 ~~proceed with any improvement initiated by resolution shall be divested~~
29 ~~by protests filed with the secretary of the board no later than ten~~
30 ~~days after the hearing, signed by the owners, according to the records~~
31 ~~of the applicable county auditor, of at least forty percent of the area~~
32 ~~of land within the proposed local district.~~

33 ~~If the commissioners find that the district should be formed, they~~
34 ~~shall by resolution form the district and order the improvement. After~~
35 ~~execution of the resolution forming the district, the secretary of the~~
36 ~~board of commissioners shall publish, in a legal publication that~~
37 ~~serves the area subject to the district, a notice setting forth that a~~
38 ~~resolution has been passed forming the district and that a lawsuit~~
39 ~~challenging the jurisdiction or authority of the water district to~~

1 proceed with the improvement and creating the district must be filed,
2 and notice to the water district served, within thirty days of the
3 publication of the notice. The notice shall set forth the nature of
4 the appeal. Property owners bringing the appeal shall follow the
5 procedures as set forth under appeal under RCW 57.16.090. Whenever a
6 resolution forming a district has been adopted, the formation is
7 conclusive in all things upon all parties, and cannot be contested or
8 questioned in any manner in any proceeding whatsoever by any person not
9 commencing a lawsuit in the manner and within the time provided in this
10 section, except for lawsuits made under RCW 57.16.090.

11 Following an appeal, if it is unsuccessful or if no appeal is made
12 under RCW 57.16.090, the commissioners may proceed with the improvement
13 and provide the general funds of the water district to be applied
14 thereto, adopt detailed plans of the local improvement district or
15 utility local improvement district and declare the estimated cost
16 thereof, acquire all necessary land therefor, pay all damages caused
17 thereby, and commence in the name of the water district such eminent
18 domain proceedings as may be necessary to entitle the district to
19 proceed with the work. The board shall thereupon proceed with the work
20 and file with the county treasurer of the county in which the real
21 property is located its roll levying special assessments in the amount
22 to be paid by special assessment against the property situated within
23 the improvement district in proportion to the special benefits to be
24 derived by the property therein from the improvement.))

25 **Sec. 603.** RCW 57.16.073 and 1987 c 315 s 6 are each amended to
26 read as follows:

27 Whenever it is proposed that a local improvement district or
28 utility local improvement district finance sanitary sewer or potable
29 water facilities, additional notice of the public hearing on the
30 proposed improvement district shall be mailed to the owners of any
31 property located outside of the proposed improvement district that
32 would be required as a condition of federal housing administration loan
33 qualification, at the time of notice, to be connected to the specific
34 sewer or water facilities installed by the ((local)) improvement
35 district. The notice shall include information about this restriction.

36 **Sec. 604.** RCW 57.16.065 and 1989 c 243 s 11 are each amended to
37 read as follows:

1 (~~Any~~) Notice given to the public or to the owners of specific
2 lots, tracts, or parcels of land relating to the formation of a local
3 improvement district or utility local improvement district shall
4 contain a statement that actual assessments may vary from assessment
5 estimates so long as they do not exceed a figure equal to the increased
6 true and fair value the improvement adds to the property.

7 **Sec. 605.** RCW 56.20.030 and 1991 c 190 s 3 are each amended to
8 read as follows:

9 Whether the improvement is initiated by petition or resolution, the
10 board shall conduct a public hearing at the time and place designated
11 in the notice to property owners. At this hearing the board shall hear
12 objections from any person affected by the formation of the local
13 district and may make such changes in the boundaries of the district or
14 such modifications in the plans for the proposed improvement as shall
15 be deemed necessary. The board may not change the boundaries of the
16 district to include property not previously included in it without
17 first passing a new resolution of intention and giving a new notice to
18 property owners in the manner and form and within the time provided in
19 this chapter for the original notice.

20 After the hearing and the expiration of the ten-day period for
21 filing (~~written~~) protests, the commissioners shall have jurisdiction
22 to overrule protests and proceed with any such improvement initiated by
23 petition or resolution. The jurisdiction of the commissioners to
24 proceed with any improvement initiated by resolution shall be
25 divested(~~(:—(a))~~) by protests filed with the secretary of the board
26 (~~(no later than)~~) within ten days after the public hearing, signed by
27 the owners, according to the records of the applicable county
28 (~~(auditor)~~) treasurer, of at least forty percent of the area of land
29 within the proposed local district (~~(or (b) by the commissioners not~~
30 ~~adopting a resolution ordering the improvement at a public hearing held~~
31 ~~not more than ninety days from the day the resolution of intention was~~
32 ~~adopted, unless the commissioners file with the county auditor a copy~~
33 ~~of the notice required by RCW 56.20.020, and in no event at a hearing~~
34 ~~held more than two years from the day the resolution of intention was~~
35 ~~adopted)).~~

36 If the commissioners find that the district should be formed, they
37 shall by resolution form the district and order the improvement. After
38 execution of the resolution forming the district, the secretary of the

1 board of commissioners shall publish, in a legal publication that
2 serves the area subject to the district, a notice setting forth that a
3 resolution has been passed forming the improvement district and that a
4 lawsuit challenging the jurisdiction or authority of the ((sewer))
5 district to proceed with the improvement and creating the improvement
6 district must be filed, and notice to the ((sewer)) district served,
7 within thirty days of the publication of the notice. The notice shall
8 set forth the nature of the appeal. Property owners bringing the
9 appeal shall follow the procedures ((as)) set forth under ((~~appeal~~
10 ~~under RCW 56.20.080~~)) RCW 57.16.090. Whenever a resolution forming
11 ((a)) an improvement district has been adopted, the formation is
12 conclusive in all things upon all parties, and cannot be contested or
13 questioned in any manner in any proceeding whatsoever by any person not
14 commencing a lawsuit in the manner and within the time provided in this
15 section, except for lawsuits made under RCW ((~~56.20.080~~)) 57.16.090.

16 Following an appeal, if it is unsuccessful or if no appeal is made
17 under RCW ((~~56.20.080~~)) 57.16.090, the commissioners may proceed with
18 the improvement and provide the general funds of the ((sewer)) district
19 to be applied thereto, adopt detailed plans of the local improvement
20 district or utility local improvement district and declare the
21 estimated cost thereof, acquire all necessary land therefor, pay all
22 damages caused thereby, and commence in the name of the ((sewer))
23 district such eminent domain proceedings ((~~and supplemental assessment~~
24 ~~or reassessment proceedings to pay all eminent domain awards~~)) as may
25 be necessary to entitle the district to proceed with the ((work))
26 improvement. The board ((~~of sewer commissioners~~)) shall thereupon
27 proceed with the work and file with the county treasurer of ((each))
28 the county in which the real property is ((~~to be assessed~~)) located its
29 roll levying special assessments in the amount to be paid by special
30 assessment against the property situated within the ((local))
31 improvement district in proportion to the special benefits to be
32 derived by the property therein from the improvement.

33 **Sec. 606.** RCW 57.16.070 and 1982 1st ex.s. c 17 s 17 are each
34 amended to read as follows:

35 Before approval of the roll a notice shall be published once a week
36 for two consecutive weeks in a newspaper of general circulation in the
37 ((local)) improvement district, stating that the roll is on file and
38 open to inspection in the office of the secretary, and fixing the time,

1 not less than fifteen or more than thirty days from the date of the
2 first publication of the notice, within which protests must be filed
3 with the secretary against any assessments shown thereon, and fixing a
4 time when a hearing will be held by the commissioners on the protests.
5 Notice shall also be given by mailing, at least fifteen days before the
6 hearing, a similar notice to the owners or reputed owners of the land
7 in the ((local)) improvement district as they appear on the books of
8 the treasurer of the county in which the real property is located. At
9 the hearing, or any adjournment thereof, the commissioners may correct,
10 change, or modify the roll, or any part thereof, or set aside the roll
11 and order a new assessment, and may then by resolution approve it. If
12 an assessment is raised a new notice similar to the first shall be
13 given, after which final approval of the roll may be made. When
14 property has been entered originally upon the roll and the assessment
15 thereon is not raised, no objection thereto shall be considered by the
16 commissioners or by any court on appeal unless the objection is made in
17 writing at, or prior((7)) to, the date fixed for the original hearing
18 upon the roll.

19 **Sec. 607.** RCW 57.16.080 and 1959 c 18 s 13 are each amended to
20 read as follows:

21 ((In the event that)) If any portion of the system after its
22 installation is not adequate for the purpose for which it was intended,
23 or ((that)) if for any reason changes, alterations, or betterments are
24 necessary in any portion of the system after its installation, then ((a
25 local)) an improvement district with boundaries which may include one
26 or more existing ((local)) improvement districts may be created in the
27 ((water)) district in the same manner as is provided herein for the
28 creation of ((local)) improvement districts((; that)). Upon the
29 organization of such ((a local)) an improvement district ((as provided
30 for in this paragraph)), the plan of the improvement and the payment of
31 the cost of the improvement shall be carried out in the same manner as
32 is provided herein for the carrying out of and the paying for the
33 improvement in the ((local)) improvement districts previously provided
34 for in this ((act)) title.

35 **Sec. 608.** RCW 57.16.100 and 1929 c 114 s 14 are each amended to
36 read as follows:

1 (1) Whenever any assessment roll for local improvements shall have
2 been confirmed by the ~~((water district commission of such water
3 district as herein provided))~~ district board of commissioners, the
4 regularity, validity, and correctness of the proceedings relating to
5 ~~((such))~~ the improvement, and to the assessment therefor, including the
6 action of the ~~((water))~~ district ~~((commission))~~ commissioners upon
7 ~~((such))~~ the assessment roll and the confirmation thereof, shall be
8 conclusive in all things upon all parties, and cannot in any manner be
9 contested or questioned in any proceeding whatsoever by any person not
10 filing written objections to such roll in the manner and within the
11 time provided in this ~~((act))~~ chapter, and not appealing from the
12 action of the ~~((water district commission))~~ commissioners in confirming
13 such assessment roll in the manner and within the time in this ~~((act))~~
14 chapter provided. No proceedings of any kind shall be commenced or
15 prosecuted for the purpose of defeating or contesting any such
16 assessment, or the sale of ~~((any))~~ property to pay such assessment, or
17 any certificate of delinquency issued therefor, or the foreclosure of
18 any lien issued therefor~~((: PROVIDED, That))~~. However, this section
19 shall not be construed as prohibiting the bringing of injunction
20 proceedings to prevent the sale of any real estate upon the grounds
21 ~~((+1))~~ (a) that the property about to be sold does not appear upon the
22 assessment roll, or ~~((+2))~~ (b) that ~~((said))~~ the assessment had been
23 paid.

24 (2) This section also shall not prohibit the correction of clerical
25 errors and errors in the computation of assessments in assessment rolls
26 by the following procedure:

27 (a) The board of commissioners may file a petition with the
28 superior court of the county wherein the real property is located,
29 asking that the court enter an order correcting such errors and
30 directing that the county treasurer pay a portion or all of the
31 incorrect assessment by the transfer of funds from the district's
32 maintenance fund, if such relief be necessary.

33 (b) Upon the filing of the petition, the court shall set a date for
34 hearing and upon the hearing may enter an order as provided in (a) of
35 this subsection. However, neither the correcting order nor the
36 corrected assessment roll shall result in an increased assessment to
37 the property owner.

1 **Sec. 609.** RCW 57.16.090 and 1991 c 190 s 8 are each amended to
2 read as follows:

3 The decision of the ~~((water))~~ district ~~((commission))~~ board of
4 commissioners upon any objections made within the time and in the
5 manner herein prescribed~~((7))~~ may be reviewed by the superior court
6 upon an appeal thereto taken in the following manner. ~~((Such))~~ The
7 appeal shall be made by filing written notice of appeal with the
8 secretary of ~~((said water district commission))~~ the board of
9 commissioners and with the clerk of the superior court in the county in
10 which the real property is situated within ten days after publication
11 of a notice that the resolution confirming such assessment roll has
12 been adopted, and such notice of appeal shall describe the property and
13 set forth the objections of such appellant to such assessment~~((and))~~.
14 Within ten days from the filing of such notice of appeal with the clerk
15 of the superior court, the appellant shall file with the clerk of the
16 court~~((7))~~ a transcript consisting of the assessment roll and the
17 appellant's objections thereto, together with the resolution confirming
18 ~~((such))~~ the assessment roll and the record of the ~~((water))~~ district
19 ~~((commission))~~ commissioners with reference to the assessment~~((7~~
20 ~~which))~~. The transcript, upon payment of the necessary fees therefor,
21 shall be furnished by the secretary of the ~~((water district~~
22 ~~commission))~~ board of commissioners and shall be certified by the
23 secretary to contain full, true, and correct copies of all matters and
24 proceedings required to be included in such transcript. Such fees
25 shall be the same as the fees payable to the county clerk for the
26 preparation and certification of transcripts on appeal to the supreme
27 court or the court of appeals in civil actions. At the time of the
28 filing of the notice of appeal with the clerk of the superior court,
29 the appellant shall file a sufficient bond in the penal sum of two
30 hundred dollars, with at least two sureties, to be approved by the
31 judge of ~~((said))~~ the court, conditioned to prosecute such appeal
32 without delay, and if unsuccessful to pay all costs to which the
33 ~~((water))~~ district is put by reason of such appeal. The court may
34 order the appellant, upon application therefor, to execute and file
35 such additional bond or bonds as the necessity of the case may require.
36 Within three days after such transcript is filed in the superior court,
37 the appellant shall give written notice to the secretary of ~~((such~~
38 ~~water))~~ the district~~((7))~~ that such transcript is filed. The notice
39 shall state a time, not less than three days from the service thereof,

1 when the appellant will call up the cause for hearing(~~(+and)~~). The
2 superior court shall, at (~~said~~) such time or at such further time as
3 may be fixed by order of the court, hear and determine such appeal
4 without a jury(~~(+and such cause)~~). The appeal shall have preference
5 over all civil causes pending in the court, except (~~proceedings under~~
6 ~~an act relating to~~) eminent domain proceedings and actions of forcible
7 entry and detainer. The judgment of the court shall confirm, unless
8 the court shall find from the evidence that such assessment is either
9 founded upon (~~the~~) a fundamentally wrong basis or a decision of the
10 (~~council or other legislative body~~) board of commissioners thereon
11 was arbitrary or capricious, or both(~~(+)~~) in which event the judgment
12 of the court shall correct, modify~~,~~ or annul the assessment insofar as
13 (~~the same~~) it affects the property of the appellant. A certified
14 copy of the decision of the court shall be filed with the officer who
15 shall have custody of the assessment roll, who shall modify and correct
16 (~~such~~) the assessment roll in accordance with such decision.
17 Appellate review of the judgment of the superior court may be sought as
18 in other civil cases. However, the (~~review~~) appeal must be sought
19 within fifteen days after the date of the entry of the judgment of such
20 superior court. A certified copy of the order of the supreme court or
21 the court of appeals upon such appeal shall be filed with the officer
22 having custody of (~~such~~) the assessment roll, who shall thereupon
23 modify and correct (~~such~~) the assessment roll in accordance with
24 (~~such~~) the decision.

25 **Sec. 610.** RCW 57.16.110 and 1982 1st ex.s. c 17 s 19 are each
26 amended to read as follows:

27 Whenever any land against which there has been levied any special
28 assessment by any (~~water~~) district shall have been sold in part or
29 subdivided, the board of (~~water~~) commissioners of (~~such~~) the
30 district shall have the power to order a segregation of the assessment.

31 Any person desiring to have (~~such~~) a special assessment against
32 a tract of land segregated to apply to smaller parts thereof shall
33 apply to the board of commissioners of the (~~water~~) district (~~which~~)
34 that levied the assessment. If the (~~water~~) commissioners determine
35 that a segregation should be made, they shall by resolution order the
36 treasurer of the county in which the real property is located to make
37 segregation on the original assessment roll as directed in the
38 resolution. The segregation shall be made as nearly as possible on the

1 same basis as the original assessment was levied, and the total of the
2 segregated parts of the assessment shall equal the assessment before
3 segregation. The resolution shall describe the original tract(~~(7)~~) and
4 the amount and date of the original assessment, and shall define the
5 boundaries of the divided parts and the amount of the assessment
6 chargeable to each part. A certified copy of the resolution shall be
7 delivered to the treasurer of the county in which the real property is
8 located who shall proceed to make the segregation ordered upon being
9 tendered a fee of three dollars for each tract of land for which a
10 segregation is to be made. In addition to (~~such~~) the charge the
11 board of (~~water~~) commissioners may require as a condition to the
12 order of segregation that the person seeking it pay the district the
13 reasonable engineering and clerical costs incident to making the
14 segregation.

15 **Sec. 611.** RCW 57.16.150 and 1987 c 449 s 16 are each amended to
16 read as follows:

17 Judgments foreclosing local improvement assessments pursuant to RCW
18 35.50.260 may also allow to (~~water~~) districts, in addition to
19 delinquent installments, interest, penalties, and costs, such
20 attorneys' fees as the court may adjudge reasonable.

21 **PART VII - FINANCES**

22 **Sec. 701.** RCW 57.16.020 and 1984 c 186 s 51 are each amended to
23 read as follows:

24 The commissioners may submit to the voters of the district at any
25 general or special election, a proposition that the district incur a
26 general indebtedness payable from annual tax levies to be made in
27 excess of either the constitutional (~~and/or~~) or statutory tax
28 limitations, or both, for the construction of any part or all of
29 (~~the~~) a general comprehensive plan. Elections shall be held as
30 provided in RCW 39.36.050. The proposition authorizing both the bond
31 issue and imposition of excess bond retirement levies (~~shall~~) must be
32 adopted by three-fifths of the voters voting thereon, at which election
33 the total number of persons voting on the proposition shall constitute
34 not less than forty percent of the total number of votes cast in the
35 (~~water~~) district at the last preceding general election. (~~Such~~)
36 The bonds shall not be issued to run for a period longer than

1 ((~~twenty~~)) thirty years from the date of the issue. ((~~Such~~)) The bonds
2 shall be issued and sold in accordance with chapter 39.46 RCW. ((~~When~~
3 ~~the general comprehensive plan has been adopted the commissioners shall~~
4 ~~carry it out to the extent specified in the proposition to incur~~
5 ~~general indebtedness.~~))

6 Whenever the proposition to issue general obligation bonds and
7 impose such excess bond retirement levies has been approved, there
8 shall be levied by the officers or governing body charged with the duty
9 of levying taxes, annual levies in excess of either the constitutional
10 or statutory tax limitations, or both, sufficient to meet the annual or
11 semiannual payments of principal and interest on the bonds upon all
12 taxable property within the district.

13 **Sec. 702.** RCW 57.20.015 and 1984 c 186 s 54 are each amended to
14 read as follows:

15 (1) The board of ((~~water~~)) commissioners of any ((~~water~~)) district
16 may by resolution, without submitting the matter to the voters of the
17 district, provide for the issuance of refunding general obligation
18 bonds to refund any outstanding general obligation bonds, or any part
19 thereof, at maturity thereof, or before the maturity thereof if they
20 are subject to call for prior redemption or all of the owners thereof
21 consent thereto. Refunding bonds may be combined with an issue of
22 bonds for other district purposes, as long as those other bonds are
23 approved in accordance with applicable law.

24 (2) The total cost to the district over the life of the refunding
25 bonds or refunding portion of an issue of bonds shall not exceed the
26 total cost to the district which the district would have incurred but
27 for such refunding over the remainder of the life of the bonds to be
28 refunded thereby.

29 (3) The refunding bonds may be exchanged for the bonds to be
30 refunded thereby, or may be sold in such manner as the board of
31 ((~~water~~)) commissioners deems to be for the best interest of the
32 district, and the proceeds of such sale used exclusively for the
33 purpose of paying, retiring, and canceling the bonds to be refunded and
34 interest thereon. Such bonds may be of any form, including bearer
35 bonds or registered bonds as provided in RCW 39.46.030.

36 ((~~(4) The provisions of RCW 57.20.010, concerning the issuance and~~
37 ~~sale of general obligation bonds and providing for annual tax levies in~~
38 ~~excess of the constitutional and/or statutory tax limitations shall~~

1 ~~apply to the refunding general obligation bonds issued under this~~
2 ~~section.))~~

3 **Sec. 703.** RCW 57.16.030 and 1987 c 449 s 14 are each amended to
4 read as follows:

5 (1) The commissioners may, without submitting a proposition to the
6 voters, authorize by resolution the district to issue revenue bonds for
7 the construction costs, interest during the period of construction and
8 six months thereafter, working capital or other costs of any part or
9 all of ~~((the))~~ a general comprehensive plan, or for other purposes or
10 functions of a ~~((water))~~ district authorized by statute. The amount of
11 the bonds to be issued shall be included in the resolution
12 ~~((submitted)).~~

13 (2) Any resolution authorizing the issuance of revenue bonds may
14 include provision for refunding any local improvement district bonds of
15 a district, out of the proceeds of sale of revenue bonds, and a
16 district may pay off any outstanding local improvement bonds with such
17 funds either by purchase in the open market below their par value and
18 accrued interest or by call at par value and accrued interest at the
19 next succeeding interest payment date. The bonds may be in any form,
20 including bearer bonds or registered bonds as provided by RCW
21 39.46.030.

22 ~~((When a resolution authorizing revenue bonds has been adopted the~~
23 ~~commissioners may forthwith carry out the general comprehensive plan to~~
24 ~~the extent specified.~~

25 ~~(2))~~ (3) Notwithstanding subsection (1) of this section, ~~((such))~~
26 district revenue bonds may be issued and sold in accordance with
27 chapter 39.46 RCW.

28 **Sec. 704.** RCW 57.16.035 and 1977 ex.s. c 299 s 5 are each amended
29 to read as follows:

30 Whenever a ~~((water))~~ district shall have adopted a general
31 comprehensive plan and bonds to defray the cost thereof shall have been
32 authorized by resolution of the board of ~~((water))~~ commissioners, and
33 before the completion of the improvements the board of ~~((water))~~
34 commissioners shall find by resolution that the authorized bonds are
35 not sufficient to defray the cost of such improvements due to the
36 increase of costs of construction subsequent to the adoption of
37 ~~((said))~~ the plan, the board of ~~((water))~~ commissioners may by

1 resolution authorize the issuance and sale of additional ((water))
2 revenue bonds for such purpose in excess of those previously issued.

3 **Sec. 705.** RCW 57.16.040 and 1984 c 186 s 52 are each amended to
4 read as follows:

5 In the same manner as provided for the adoption of ((the)) an
6 original general comprehensive plan, a plan providing for additions and
7 betterments to the original general comprehensive plan may be adopted.
8 Without limiting its generality "additions and betterments" shall
9 include any necessary change in, amendment of, or addition to the
10 general comprehensive plan.

11 The district may incur a general indebtedness payable from annual
12 tax levies to be made in excess of either the constitutional ((and/or))
13 or statutory tax limitations, or both, for the construction of the
14 additions and betterments in the same way that general indebtedness may
15 be incurred for the construction of the original general comprehensive
16 plan after submission to the voters of the entire district in the
17 manner the original proposition to incur indebtedness was submitted as
18 provided in RCW 57.16.020 (as recodified by this act). Upon
19 ratification the additions and betterments may be carried out by the
20 commissioners to the extent specified or referred to in the proposition
21 to incur the general indebtedness.

22 The district may issue revenue bonds to pay for the construction of
23 the additions and the betterments pursuant to resolution of the board
24 of ((water)) commissioners.

25 **Sec. 706.** RCW 57.20.020 and 1991 c 347 s 20 are each amended to
26 read as follows:

27 ~~((1) Whenever any issue or issues of water revenue bonds have been~~
28 ~~authorized in compliance with the provisions of RCW 57.16.010 through~~
29 ~~57.16.040, said bonds shall be in bearer form or registered as to~~
30 ~~principal or interest or both, as provided in RCW 39.46.030, and may~~
31 ~~provide for conversion between registered and coupon bonds; shall be in~~
32 ~~such denominations, shall be numbered, shall bear such date, and shall~~
33 ~~be payable at such time or times up to a maximum period of not to~~
34 ~~exceed thirty years as shall be determined by the board of water~~
35 ~~commissioners of the district; shall bear interest at such rate or~~
36 ~~rates payable at such time or times as authorized by the board; shall~~
37 ~~be payable at the office of the county treasurer of the county in which~~

1 ~~the water district is located and may also be payable at such other~~
2 ~~place or places as the board of water commissioners may determine;~~
3 ~~shall be executed by the president of the board of water commissioners~~
4 ~~and attested and sealed by the secretary thereof, one of which~~
5 ~~signatures may, with the written permission of the signator whose~~
6 ~~facsimile signature is being used, be a facsimile; and may have~~
7 ~~facsimile signatures of said president or secretary imprinted on any~~
8 ~~interest coupons in lieu of original signatures.))~~

9 The ((~~water district~~)) commissioners shall have power and are
10 required to create a special fund or funds for the sole purpose of
11 paying the interest and principal of ((~~such~~)) revenue bonds into which
12 special fund or funds the ((~~said water district~~)) commissioners shall
13 obligate and bind the ((~~water~~)) district to set aside and pay a fixed
14 proportion of the gross revenues of the water ((~~supply~~)) or sewer
15 system or any fixed amount out of and not exceeding a fixed proportion
16 of such revenues, or a fixed amount or amounts without regard to any
17 fixed proportion, and such bonds and the interest thereof shall be
18 payable only out of such special fund or funds, ((~~but~~)) and shall be a
19 lien and charge against all revenues and payments received from any
20 utility local improvement district or districts pledged to secure such
21 bonds, subject only to operating and maintenance expenses.

22 In creating any such special fund or funds the ((~~water district~~))
23 commissioners ((~~of such water district~~)) shall have due regard to the
24 cost of operation and maintenance of the plant or system as constructed
25 or added to and to any proportion or part of the revenue previously
26 pledged as a fund for the payment of bonds, warrants, or other
27 indebtedness, and shall not set aside into such special fund a greater
28 amount or proportion of the revenue and proceeds than in their judgment
29 will be available over and above such cost of maintenance and operation
30 and the amount or proportion, if any, of the revenue so previously
31 pledged. Any such bonds and interest thereon issued against any such
32 fund as ((~~herein~~)) provided in this section shall be a valid claim of
33 the owner thereof only as against the ((~~said~~)) special fund and its
34 fixed proportion or amount of the revenue pledged to such fund, and
35 shall not constitute an indebtedness of ((~~such water~~)) the district
36 within the meaning of the constitutional provisions and limitations.
37 Each such bond shall state upon its face that it is payable from a
38 special fund, naming the ((~~said~~)) fund and the resolution creating it.
39 ((~~Said~~)) Such bonds shall be sold in such manner, at such price, and at

1 such rate or rates of interest as the (~~water district~~) commissioners
2 shall deem for the best interests of the (~~water~~) district, either at
3 public or private sale, and the (~~said~~) commissioners may provide in
4 any contract for the construction and acquirement of the proposed
5 improvement (and for the refunding of outstanding local improvement
6 district obligations, if any) that payment therefor shall be made in
7 such bonds at par value thereof.

8 When any such special fund shall have been heretofore or shall be
9 hereafter created and any such bonds shall have been heretofore or
10 shall hereafter be issued against the same a fixed proportion or a
11 fixed amount out of and not to exceed such (~~fixed~~) proportion, or a
12 fixed amount or amounts without regard to any fixed proportion, of
13 revenue shall be set aside and paid into (~~said~~) the special fund as
14 provided in the resolution creating such fund or authorizing such
15 bonds(~~, and~~). In case any (~~water~~) district shall fail thus to set
16 aside and pay (~~said~~) the fixed proportion or amount (~~as aforesaid~~),
17 the owner of any bond payable from such special fund may bring suit or
18 action against the (~~water~~) district and compel such setting aside and
19 payment.

20 (~~(2) Notwithstanding subsection (1) of this section, such bonds~~
21 ~~may be issued and sold in accordance with chapter 39.46 RCW.~~

22 (~~(3) The water district commissioners of any water district, in the~~
23 ~~event that such water revenue bonds are issued, shall provide for~~
24 ~~revenues by fixing rates and charges for the furnishing of water supply~~
25 ~~to those receiving such service, such rates and charges to be fixed as~~
26 ~~deemed necessary by such water district commissioners, so that uniform~~
27 ~~charges will be made for the same class of customer or service.~~

28 ~~In classifying customers served or service furnished by such water~~
29 ~~supply system, the board of water commissioners may in its discretion~~
30 ~~consider any or all of the following factors: The difference in cost~~
31 ~~of service to the various customers; the location of the various~~
32 ~~customers within and without the district; the difference in cost of~~
33 ~~maintenance, operation, repair and replacement of the various parts of~~
34 ~~the system; the different character of the service furnished various~~
35 ~~customers; the quantity and quality of the water furnished; the time of~~
36 ~~its use; the achievement of water conservation goals and the~~
37 ~~discouragement of wasteful practices; capital contributions made to the~~
38 ~~system including but not limited to assessments; and any other matters~~
39 ~~which present a reasonable difference as a ground for distinction.~~

1 ~~Such rates shall be made on a monthly basis as may be deemed proper by~~
2 ~~such commissioners and as fixed by resolution and shall produce~~
3 ~~revenues sufficient to take care of the costs of maintenance and~~
4 ~~operation, revenue bond and warrant interest and principal amortization~~
5 ~~requirements and all other charges necessary for efficient and proper~~
6 ~~operation of the system.))~~ Revenue bonds payable from a special fund
7 may be issued and sold in accordance with chapter 39.46 RCW.

8 **Sec. 707.** RCW 57.20.023 and 1959 c 108 s 12 are each amended to
9 read as follows:

10 The board of ((~~water~~)) commissioners may make such covenants as it
11 may deem necessary to secure and guarantee the payment of the principal
12 of and interest on ((~~water~~)) revenue bonds of the district, including
13 but not being limited to covenants for the establishment and
14 maintenance of adequate reserves to secure or guarantee the payment of
15 such principal and interest; the protection and disposition of the
16 proceeds of sale of such bonds; the use and disposition of the gross
17 revenues of the water supply system or sewer system of the district and
18 any additions or betterments thereto or extensions thereof; the use and
19 disposition of any utility local improvement district assessments; the
20 creation and maintenance of funds for renewals and replacements of the
21 system; the establishment and maintenance of rates and charges adequate
22 to pay principal and interest of such bonds and to maintain adequate
23 coverage over debt service; the maintenance, operation and management
24 of the system and the accounting, insuring and auditing of the business
25 in connection therewith; the terms upon which such bonds or any of them
26 may be redeemed at the election of the district; limitations upon the
27 right of the district to dispose of its system or any part thereof; the
28 appointment of trustees, depositaries and paying agents to receive,
29 hold, disburse, invest and reinvest all or any part of the proceeds of
30 sale of the bonds and all or any part of the income, revenue and
31 receipts of the district, and the ((~~board of water~~)) commissioners may
32 make such other covenants as it may deem necessary to accomplish the
33 most advantageous sale of such bonds. The board of ((~~water~~))
34 commissioners may also provide that revenue bonds payable out of the
35 same source or sources may later be issued on a parity with any revenue
36 bonds being issued and sold.

1 **Sec. 708.** RCW 57.20.025 and 1977 ex.s. c 299 s 8 are each amended
2 to read as follows:

3 The board of ~~((water))~~ commissioners of any ~~((water))~~ district may
4 by resolution provide for the issuance of refunding revenue bonds to
5 refund outstanding general obligation bonds and/or revenue bonds, or
6 any part thereof, and/or all outstanding local improvement district
7 bonds, at maturity thereof, or before maturity thereof if they are
8 subject to call for prior redemption or all of the holders thereof
9 consent thereto. The total interest cost to the district over the life
10 of the refunding bonds shall not exceed the total cost to the district
11 which the district would have incurred but for such refunding over the
12 remainder of the life of the bonds to be refunded thereby. The
13 refunding bonds may be exchanged for the bonds to be refunded thereby,
14 or may be sold in such manner as the board of ~~((water))~~ commissioners
15 deems to be for the best interest of the district, and the proceeds
16 used, except as hereinafter provided, exclusively for the purpose of
17 paying, retiring, and canceling the bonds to be refunded and interest
18 thereon.

19 All unpaid utility local improvement district assessments payable
20 into the revenue bond redemption fund established for payment of the
21 bonds to be refunded shall thereafter when collected be paid into the
22 revenue bond redemption fund established for payment of the refunding
23 revenue bonds.

24 Whenever local improvement district bonds have been refunded as
25 provided by RCW 57.16.030 ~~((as now or hereafter amended))~~ (as
26 recodified by this act), or pursuant to this section, all local
27 improvement district assessments remaining unpaid shall thereafter when
28 collected be paid into the revenue bond redemption fund established for
29 payment of the refunding revenue bonds, and the cash balance, if any,
30 in the local improvement guaranty fund of the district and the proceeds
31 received from any other assets owned by such fund shall be used in
32 whole or in part as a reserve fund for the refunding revenue bonds or
33 be transferred in whole or in part to any other funds of the district
34 as the board of ~~((water))~~ commissioners may determine. ~~((In the event~~
35 ~~that))~~ If any warrants are outstanding against the local improvement
36 guaranty fund of the district at the time of the issuance of such
37 refunding revenue bonds, ~~((said))~~ the bonds shall be issued in an
38 amount sufficient also to fund and pay such outstanding warrants.

1 The provisions of RCW 57.20.020 shall apply to the refunding
2 revenue bonds issued under this title.

3 **Sec. 709.** RCW 57.20.027 and 1975 1st ex.s. c 25 s 5 are each
4 amended to read as follows:

5 (~~Water~~) Districts may also issue revenue warrants and revenue
6 bond anticipation warrants for the same purposes for which such
7 districts may issue revenue bonds. The provisions of this chapter
8 relating to the authorization, terms, conditions, covenants, issuance
9 and sale of revenue bonds (exclusive of provisions relating to
10 refunding) shall be applicable to such warrants. (~~Water~~) Districts
11 issuing revenue bond anticipation warrants may make covenants relative
12 to the issuance of revenue bonds to provide funds for the redemption of
13 part or all of such warrants and may contract for the sale of such
14 bonds and warrants.

15 **Sec. 710.** RCW 57.20.030 and 1982 1st ex.s. c 17 s 20 are each
16 amended to read as follows:

17 Every (~~water~~) district in the state is (~~hereby~~) authorized to
18 create a fund for the purpose of guaranteeing, to the extent of such
19 fund, and in the manner hereinafter provided, the payment of all of its
20 local improvement bonds issued, subsequent to June 9, 1937, to pay for
21 any local improvement within its confines. Such fund shall be
22 designated "Local Improvement Guaranty Fund, "of the" Sewer-Water
23 District," ".....Water District," ".....Sewer District," or
24 ".....District No.," and shall be established by resolution of
25 the board of (~~water~~) commissioners. For the purpose of maintaining
26 such fund, every (~~water~~) district, after the establishment thereof,
27 shall at all times set aside and pay into such a fund such proportion
28 of the monthly gross revenues of the water supply or sewer system of
29 such (~~water~~) district as the commissioners thereof may direct by
30 resolution. This proportion may be varied from time to time as the
31 commissioners deem expedient or necessary(~~(:—PROVIDED, HOWEVER,~~
32 ~~That)).~~ However, under the existence of the conditions set forth in
33 subsections (1) and (2) (~~next hereunder~~) of this section, then the
34 proportion must be as (~~therein~~) specified(~~(, to wit)~~) in subsections
35 (1) and (2) of this section:

36 (1) Whenever any bonds of any local improvement district have been
37 guaranteed under this (~~aet~~) section and RCW 57.20.080 and 57.20.090

1 and the guaranty fund does not have a cash balance equal to twenty
2 percent of all bonds originally guaranteed under this ~~((act,))~~ section
3 and RCW 57.20.080 and 57.20.090 (excluding issues which have been
4 retired in full), then twenty percent of the gross monthly revenues
5 derived from all water and sewer system users in the territory included
6 in ~~((said))~~ the local improvement district (but not necessarily from
7 users in other parts of the ~~((water))~~ district as a whole) shall be set
8 aside and paid into the guaranty fund(~~((:—PROVIDED, HOWEVER))~~), except
9 that whenever~~((,))~~ under the requirements of this subsection, ~~((said))~~
10 the cash balance accumulates so that it is equal to twenty percent of
11 all bonds guaranteed, or to the full amount of all bonds guaranteed,
12 outstanding and unpaid (which amount might be less than twenty percent
13 of the original total guaranteed), then no further money~~((s))~~ need be
14 set aside and paid into ~~((said))~~ the guaranty fund so long as ~~((said))~~
15 the condition shall continue.

16 (2) Whenever any warrants issued against the guaranty fund, as
17 ~~((hereinbelow))~~ provided in this section, remain outstanding and
18 uncalled for lack of funds for six months from the date of issuance
19 thereof; or whenever any coupons or bonds guaranteed under this ~~((act))~~
20 section and RCW 57.20.080 and 57.20.090 have been matured for six
21 months and have not been redeemed either in cash or by issuance and
22 delivery of warrants upon the guaranty fund, then twenty percent of the
23 gross monthly revenues (or such portion thereof as the commissioners of
24 the ~~((water))~~ district determine will be sufficient to retire ~~((said))~~
25 the warrants or redeem ~~((said))~~ the coupons or bonds in the ensuing six
26 months) derived from all water and sewer system users in the ~~((water))~~
27 district shall be set aside and paid into the guaranty fund(~~((:—~~
28 ~~PROVIDED, HOWEVER, That))~~). However, whenever under the requirements of
29 this subsection all warrants, coupons, or bonds specified in this
30 subsection ~~((above))~~ have been redeemed, no further income needs to be
31 set aside and paid into ~~((said))~~ the guaranty fund under the
32 requirements of this subsection until and unless other warrants remain
33 outstanding and unpaid for six months or other coupons or bonds
34 default.

35 (3) For the purposes of complying with the requirements of setting
36 aside and paying into the local improvement guaranty fund a proportion
37 of the monthly gross revenues of the water or sewer supply system of
38 any ~~((water))~~ district, as ~~((hereinabove))~~ provided in subsections (1)
39 and (2) of this section, ~~((said water))~~ that district shall bind and

1 obligate itself to maintain and operate ((said)) the applicable system
2 and further bind and obligate itself to establish, maintain, and
3 collect such rates for water or sewer as will produce gross revenues
4 sufficient to maintain and operate ((~~said water supply~~)) that system
5 and to make necessary provision for the local improvement guaranty fund
6 as specified by this section and RCW 57.20.080 and 57.20.090. ((~~And~~
7 ~~said water~~)) The district shall alter its rates for water and sewer
8 service from time to time and shall vary the same in different portions
9 of its territory to comply with ((~~the said~~)) those requirements.

10 (4) Whenever any coupon or bond guaranteed by this ((~~aet~~)) section
11 shall mature and there shall not be sufficient funds in the appropriate
12 local improvement district bond redemption fund to pay the same, then
13 the applicable county treasurer shall pay same from the local
14 improvement guaranty fund of the ((~~water~~)) district; if there shall not
15 be sufficient funds in the ((~~said~~)) guaranty fund to pay same, then the
16 same may be paid by issuance and delivery of a warrant upon the local
17 improvement guaranty fund.

18 (5) Whenever the cash balance in the local improvement guaranty
19 fund is insufficient for the required purposes, warrants drawing
20 interest at a rate determined by the commissioners may be issued by the
21 applicable county auditor, against the ((~~said~~)) fund to meet any
22 liability accrued against it and must be issued upon demand of the
23 holders of any maturing coupons and/or bonds guaranteed by this
24 section, or to pay for any certificates of delinquency for delinquent
25 installments of assessments as provided in subsection (6) of this
26 section. Guaranty fund warrants shall be a first lien in their order
27 of issuance upon the gross revenues set aside and paid into ((~~said~~))
28 that fund.

29 (6) Within twenty days after the date of delinquency of any annual
30 installment of assessments levied for the purpose of paying the local
31 improvement bonds of any ((~~water~~)) district guaranteed under the
32 provisions of this ((~~aet~~)) section, it shall be mandatory for the
33 county treasurer of the county in which the real property is located to
34 compile a statement of all installments delinquent, together with the
35 amount of accrued interest and penalty appurtenant to each of ((~~said~~))
36 the installments. Thereupon the applicable county treasurer shall
37 forthwith purchase (for the ((~~water~~)) district) certificates of
38 delinquency for all such delinquent installments. Payment for all such
39 certificates of delinquency shall be made from the local improvement

1 guaranty fund and if there shall not be sufficient money((s)) in
2 ((said)) the fund to pay for such certificates of delinquency, the
3 applicable county treasurer shall accept ((said)) the local improvement
4 guaranty fund warrants in payment therefor. All ((such)) of those
5 certificates of delinquency shall be issued in the name of the local
6 improvement guaranty fund and all guaranty fund warrants issued in
7 payment therefor shall be issued in the name of the appropriate local
8 improvement district fund. Whenever any market is available and the
9 commissioners of the ((water)) district so direct, the applicable
10 county treasurer shall sell any certificates of delinquency belonging
11 to the local improvement guaranty fund((:—PROVIDED, That)). However,
12 any such sale must not be for less than face value thereof plus accrued
13 interest from date of issuance to date of sale.

14 ((Such)) (7) Certificates of delinquency, as ((above)) provided in
15 subsection (6) of this section, shall be issued by the county treasurer
16 of the county in which the real property is located, shall bear
17 interest at the rate of ten percent per annum, shall be in each
18 instance for the face value of the delinquent installment, plus accrued
19 interest to date of issuance of certificate of delinquency, plus a
20 penalty of five percent of such face value, and shall set forth:

- 21 (a) Description of property assessed;
- 22 (b) Date installment of assessment became delinquent;
- 23 (c) Name of owner or reputed owner, if known.

24 ((Such)) The certificates of delinquency may be redeemed by the
25 owner of the property assessed at any time up to two years from the
26 date of foreclosure of such certificate of delinquency. If any such
27 certificate of delinquency ((be)) is not redeemed on the second
28 occurring first day of January subsequent to its issuance, the county
29 treasurer who issued the certificate of delinquency shall then proceed
30 to foreclose such certificate of delinquency in the manner specified
31 for the foreclosure of the lien of local improvement assessments,
32 pursuant to chapter 35.50 RCW and if no redemption be made within the
33 succeeding two years shall execute and deliver a deed conveying fee
34 simple title to the property described in the foreclosed certificate of
35 delinquency.

36 **Sec. 711.** RCW 57.20.080 and 1983 c 167 s 165 are each amended to
37 read as follows:

1 Whenever there shall be paid out of a guaranty fund any sum on
2 account of principal or interest upon a local improvement bond, or on
3 account of purchase of certificates of delinquency, the ((water))
4 district, as trustee for the fund, shall be subrogated to all rights of
5 the owner of the bonds, or any interest, or delinquent assessment
6 installments, so paid; and the proceeds thereof, or of the assessment
7 or assessments underlying the same, shall become a part of the guaranty
8 fund. There shall also be paid into ((each)) such guaranty fund the
9 interest received from the bank deposits of the fund, as well as any
10 surplus remaining in the local improvement funds guaranteed by the
11 guaranty fund, after the payment of all outstanding bonds payable
12 primarily out of such local improvement funds. As among the several
13 issues of bonds guaranteed by the fund, no preference shall exist, but
14 defaulted bonds and any defaulted interest payments shall be purchased
15 out of the fund in the order of their presentation.

16 The commissioners of every ((water)) district ((operating under RCW
17 57.20.030, 57.20.080, and 57.20.090)) that establishes a guaranty fund
18 shall prescribe, by resolution, appropriate rules and regulations for
19 the guaranty fund, not inconsistent herewith. So much of the money of
20 a guaranty fund as is necessary and is not required for other purposes
21 under this section and RCW 57.20.030((, 57.20.080,)) and 57.20.090 may,
22 at the discretion of the commissioners of the ((water)) district, be
23 used to purchase property at county tax foreclosure sales or from the
24 county after foreclosure in cases where such property is subject to
25 unpaid local improvement assessments securing bonds guaranteed by the
26 guaranty fund and such purchase is deemed necessary for the purpose of
27 protecting the guaranty fund. In such cases the ((said)) guaranty fund
28 shall be subrogated to all rights of the ((water)) district. After so
29 acquiring title to real property, the ((water)) district may lease or
30 resell and convey the same in the same manner that county property is
31 authorized to be leased or resold and for such prices and on such terms
32 as may be determined by resolution of the board of ((water))
33 commissioners. Any provision of law to the contrary notwithstanding,
34 all proceeds resulting from such resales shall belong to and be paid
35 into the guaranty fund.

36 **Sec. 712.** RCW 57.20.090 and 1983 c 167 s 166 are each amended to
37 read as follows:

1 The owner of any local improvement bonds guaranteed under the
2 provisions of this section and RCW 57.20.030(~~(7)~~) and 57.20.080(~~(7) and~~
3 ~~57.20.090~~) shall not have any claim therefor against the ((water))
4 district by which the same is issued, except for payment from the
5 special assessments made for the improvement for which ((said)) the
6 local improvement bonds were issued, and except as against the local
7 improvement guaranty fund of ((said water)) the district; and the
8 ((water)) district shall not be liable to any owner of such local
9 improvement bond for any loss to the guaranty fund occurring in the
10 lawful operation thereof by the ((water)) district. The remedy of the
11 owner of a local improvement bond, in case of nonpayment, shall be
12 confined to the enforcement of the assessment and to the guaranty fund.
13 A copy of the foregoing part of this section shall be plainly written,
14 printed or engraved on each local improvement bond guaranteed by this
15 section and RCW 57.20.030(~~(7)~~) and 57.20.080(~~(7) and 57.20.090~~). The
16 establishment of a local improvement guaranty fund by any ((water))
17 district shall not be deemed at variance from any comprehensive plan
18 heretofore adopted by ((such water)) that district.

19 ((In the event)) If any local improvement guaranty fund hereunder
20 authorized at any time has a balance therein in cash, and the
21 obligations guaranteed thereby have all been paid off, then such
22 balance shall be transferred to the maintenance fund of the ((water))
23 district.

24 **Sec. 713.** RCW 57.20.100 and 1984 c 230 s 84 are each amended to
25 read as follows:

26 A district may, in addition to the levies mentioned in RCW
27 57.16.020(~~(7)~~) and 57.16.040 (~~and 57.20.010~~) (each as recodified by
28 this act), levy a general tax on all property located in the district
29 each year not to exceed fifty cents per thousand dollars of assessed
30 value against the assessed valuation of the property where such
31 ((water)) district maintains a fire department (~~as authorized by RCW~~
32 ~~57.16.010 to 57.16.040, inclusive~~), but such levy shall not be made
33 where any property within such ((water)) district lies within the
34 boundaries of any fire protection district created under Title 52 RCW.
35 The taxes so levied shall be certified for collection as other general
36 taxes, and the proceeds, when collected, shall be placed in such
37 ((water)) district funds as the commissioners may direct and paid out
38 on warrants issued for ((water)) district purposes.

1 **Sec. 714.** RCW 57.20.110 and 1970 ex.s. c 42 s 35 are each amended
2 to read as follows:

3 (~~Each and every water district that may hereafter be organized~~
4 ~~pursuant to this act is hereby~~) A district is authorized and empowered
5 by and through its board of (~~water~~) commissioners to contract
6 indebtedness for (~~water~~) its purposes, and the maintenance thereof
7 not exceeding one-half of one percent of the value of the taxable
8 property in (~~such water~~) the district, as the term "value of the
9 taxable property" is defined in RCW 39.36.015.

10 **Sec. 715.** RCW 57.20.120 and 1984 c 186 s 55 are each amended to
11 read as follows:

12 (~~Each and every water district hereafter to be organized pursuant~~
13 ~~to this title,~~) A district may contract indebtedness in excess of the
14 amount named in RCW 57.20.110, but not exceeding in amount, together
15 with existing indebtedness, two and one-half percent of the value of
16 the taxable property in (~~said~~) that district, as the term "value of
17 the taxable property" is defined in RCW 39.36.015, whenever
18 three-fifths of the voters voting at (~~said~~) the election in such
19 (~~water~~) district assent thereto, at which election the total number
20 of persons voting on the proposition shall constitute not less than
21 forty percent of the total number of votes cast in the (~~water~~)
22 district at the last preceding general election, at an election to be
23 held in (~~said water~~) the district in the manner provided by this
24 title and RCW 39.36.050(~~(: PROVIDED, That all bonds so to be issued~~
25 ~~shall be subject to the provisions regarding bonds as set out in RCW~~
26 ~~57.20.010)~~).

27 **Sec. 716.** RCW 57.20.130 and 1983 c 167 s 167 are each amended to
28 read as follows:

29 Any coupons for the payment of interest on (~~said~~) bonds of any
30 district shall be considered for all purposes as warrants drawn upon
31 the general fund of the (~~said water~~) district issuing such bonds, and
32 when presented to the treasurer of the county having custody of the
33 funds of such (~~water~~) district at maturity, or thereafter, and when
34 so presented, if there are not funds in the treasury to pay the
35 (~~said~~) coupons, it shall be the duty of the county treasurer to
36 endorse (~~said~~) the coupons as presented for payment, in the same
37 manner as county warrants are indorsed, and thereafter (~~said~~) the

1 coupons shall bear interest at the same rate as the bonds to which ((it
2 was)) they were attached. When there are no funds in the treasury to
3 make interest payments on bonds not having coupons, the overdue
4 interest payment shall continue bearing interest at the bond rate until
5 it is paid, unless otherwise provided in the proceedings authorizing
6 the sale of the bonds.

7 **Sec. 717.** RCW 57.20.135 and 1988 c 162 s 11 are each amended to
8 read as follows:

9 Upon obtaining the approval of the county treasurer, the board of
10 commissioners of a ((water)) district with more than twenty-five
11 hundred water customers or sewer customers may designate by resolution
12 some other person having experience in financial or fiscal matters as
13 the treasurer of the district. Such a treasurer shall possess all of
14 the powers, responsibilities, and duties of, and shall be subject to
15 the same restrictions as provided by law for, the county treasurer with
16 regard to a ((water)) district, and the county auditor with regard to
17 ((water)) district financial matters. Such treasurer shall be bonded
18 for not less than twenty-five thousand dollars. Approval by the county
19 treasurer authorizing such a ((water)) district to designate its
20 treasurer shall not be arbitrarily or capriciously withheld.

21 **Sec. 718.** RCW 57.20.140 and 1983 c 57 s 3 are each amended to read
22 as follows:

23 ((Unless the board of commissioners of a water district designates
24 a treasurer under RCW 57.20.135, the county)) The district treasurer
25 designated under RCW 57.20.135 shall create and maintain a separate
26 fund designated as the maintenance fund or general fund of the district
27 into which shall be paid all money received by ((him)) the treasurer
28 from the collection of taxes other than taxes levied for the payment of
29 general obligation bonds of the district and all revenues of the
30 district other than assessments levied in local improvement districts
31 or utility local improvement districts, and no money shall be disbursed
32 therefrom except upon warrants of the county auditor issued by
33 authority of the commissioners or upon a resolution of the
34 commissioners ordering a transfer to any other fund of the district.
35 The county treasurer or district treasurer also shall ((also)) maintain
36 such other special funds as may be prescribed by the ((water))
37 district, into which shall be placed such money((s)) as the board of

1 ((water)) commissioners may by its resolution direct, and from which
2 disbursements shall be made upon proper warrants of the county auditor
3 issued against the same by authority of the board of ((water))
4 commissioners.

5 **Sec. 719.** RCW 57.20.150 and 1959 c 108 s 15 are each amended to
6 read as follows:

7 Whenever a ((water)) district has accumulated money((s)) in the
8 maintenance fund or general fund of the district in excess of the
9 requirements of ((such)) that fund, the board of ((water))
10 commissioners may in its discretion use any of ((such)) that surplus
11 money((s)) for any of the following purposes: (1) Redemption or
12 servicing of outstanding obligations of the district(()); (2)
13 maintenance expenses of the district(()); (3) construction or
14 acquisition of any facilities necessary to carry out the purposes
15 of the district; or (4) any other proper district purpose.

16 **Sec. 720.** RCW 57.20.160 and 1986 c 294 s 13 are each amended to
17 read as follows:

18 Whenever there shall have accumulated in any general or special
19 fund of a ((water)) district money((s)), the disbursement of which is
20 not yet due, the board of ((water)) commissioners may, by resolution,
21 authorize the county treasurer to deposit or invest such money((s)) in
22 qualified public depositories, or to invest such money((s)) in any
23 investment permitted at any time by RCW 36.29.020(~~(:—PROVIDED, That)~~).
24 However, the county treasurer may refuse to invest any district
25 money((s)) the disbursement of which will be required during the period
26 of investment to meet outstanding obligations of the district.

27 **Sec. 721.** RCW 57.20.165 and 1981 c 24 s 2 are each amended to read
28 as follows:

29 ((Water)) District money((s)) shall be deposited by the district in
30 ((an)) any account, which may be interest-bearing, subject to such
31 requirements and conditions as may be prescribed by the state auditor.
32 The account shall be in the name of the district except(()) upon
33 request by the treasurer, the accounts shall be in the name of the
34 ".....(name of county)..... county treasurer." The treasurer may
35 instruct the financial institutions holding the deposits to transfer
36 them to the treasurer at such times as the treasurer may deem

1 appropriate, consistent with regulations governing and policies of the
2 financial institution.

3 **Sec. 722.** RCW 57.20.170 and 1959 c 108 s 17 are each amended to
4 read as follows:

5 The board of ((water)) commissioners of any ((water)) district may,
6 by resolution, authorize and direct a loan or loans from maintenance
7 funds or general funds of the district to construction funds or other
8 funds of the district(~~(:—PROVIDED, That such)~~), so long as that loan
9 ((does)) or loans do not, in the opinion of the board of ((water))
10 commissioners, impair the ability of the district to operate and
11 maintain its water ((supply)) or sewer system.

12 **PART VIII - WATER AND SEWER SYSTEM EXTENSIONS**

13 **Sec. 801.** RCW 57.22.010 and 1989 c 389 s 11 are each amended to
14 read as follows:

15 If the ((water)) district approves an extension to the ((water))
16 system, the district shall contract with owners of real estate located
17 within the district boundaries, at an owner's request, for the purpose
18 of permitting extensions to the district's ((water)) system to be
19 constructed by such owner at such owner's sole cost where such
20 extensions are required as a prerequisite to further property
21 development. The contract shall contain such conditions as the
22 district may require pursuant to the district's adopted policies and
23 standards. The district shall request comprehensive plan approval for
24 such extension, if required, and connection of the extension to the
25 district system is conditioned upon:

26 (1) Construction of such extension according to plans and
27 specifications approved by the district;

28 (2) Inspection and approval of such extension by the district;

29 (3) Transfer to the district of such extension without cost to the
30 district upon acceptance by the district of such extension;

31 (4) Payment of all required connection charges to the district;

32 (5) Full compliance with the owner's obligations under such
33 contract and with the district's rules and regulations;

34 (6) Provision of sufficient security to the district to ensure
35 completion of the extension and other performance under the contract;

1 (7) Payment by the owner to the district of all of the district's
2 costs associated with such extension including, but not limited to, the
3 district's engineering, legal, and administrative costs; and

4 (8) Verification and approval of all contracts and costs related to
5 such extension.

6 **Sec. 802.** RCW 57.22.020 and 1989 c 389 s 12 are each amended to
7 read as follows:

8 The contract shall also provide, subject to the terms and
9 conditions in this section, for the reimbursement to the owner or the
10 owner's assigns for a period not to exceed fifteen years of a portion
11 of the costs of the ((water)) facilities constructed pursuant to such
12 contract from connection charges received by the district from other
13 property owners who subsequently connect to or use the ((water))
14 facilities within the fifteen-year period and who did not contribute to
15 the original cost of such ((water)) facilities.

16 **Sec. 803.** RCW 57.22.030 and 1989 c 389 s 13 are each amended to
17 read as follows:

18 The reimbursement shall be a pro rata share of construction and
19 ((reimbursement of)) contract administration costs of the ((water))
20 project. Reimbursement for ((water)) projects shall include, but not
21 be limited to, design, engineering, installation, and restoration.

22 **Sec. 804.** RCW 57.22.040 and 1989 c 389 s 14 are each amended to
23 read as follows:

24 The procedures for reimbursement contracts shall be governed by the
25 following:

26 (1) A reimbursement area shall be formulated by the board of
27 commissioners within a reasonable time after the acceptance of the
28 extension. The reimbursement shall be based upon a determination by
29 the board of commissioners of which parcels would require similar
30 ((water)) improvements upon development.

31 (2) The contract must be recorded in the appropriate county
32 auditor's office after the final execution of the agreement.

33 **Sec. 805.** RCW 57.22.050 and 1989 c 389 s 15 are each amended to
34 read as follows:

1 As an alternative to financing projects under this chapter solely
2 by owners of real estate, (~~(a water)~~) districts may join in the
3 financing of improvement projects and may be reimbursed in the same
4 manner as the owners of real estate who participate in the projects, if
5 the (~~(water district)~~) board of commissioners has specified the
6 conditions of its participation in a resolution.

7 **PART IX - ANNEXATION OF TERRITORY**

8 **Sec. 901.** RCW 57.24.010 and 1990 c 259 s 31 are each amended to
9 read as follows:

10 Territory within the county or counties in which a district is
11 located, or territory adjoining or in close proximity to a district but
12 which is located in another county, may be annexed to and become a part
13 of the district. All annexations shall be accomplished in the
14 following manner: Ten percent of the number of registered voters
15 residing in the territory proposed to be annexed who voted in the last
16 general municipal election may file a petition with the district
17 commissioners and cause the question to be submitted to the voters of
18 the territory whether such territory will be annexed and become a part
19 of the district. If the commissioners concur in the petition, they
20 shall file it with the county auditor of each county in which the real
21 property proposed to be annexed is located, who shall, within ten days,
22 examine (~~(and validate)~~) the signatures thereon and certify to the
23 sufficiency or insufficiency thereof; and for (~~(such)~~) that purpose the
24 county auditor shall have access to all registration books in the
25 possession of the officers of any city or town in the proposed
26 district. If the petition contains a sufficient number of signatures,
27 the county auditor of the county in which the real property proposed to
28 be annexed is located shall transmit it, together with a certificate of
29 sufficiency attached thereto, to the (~~(water)~~) commissioners of the
30 district. If there are no registered voters residing in the territory
31 to be annexed, the petition may be signed by such a number as appear of
32 record to own at least a majority of the acreage in the territory, and
33 the petition shall disclose the total number of acres of land in the
34 territory and the names of all record owners of land therein. If the
35 commissioners are satisfied as to the sufficiency of the petition and
36 concur therein, they shall send it, together with their certificate of

1 concurrence attached thereto to the county legislative authority of
2 each county in which the territory proposed to be annexed is located.

3 The county legislative authority, upon receipt of a petition
4 certified to contain a sufficient number of signatures of registered
5 voters, or upon receipt of a petition signed by such a number as own at
6 least a majority of the acreage, together with a certificate of
7 concurrence signed by the ((water)) commissioners, at a regular or
8 special meeting shall cause to be published once a week for at least
9 two weeks in a newspaper in general circulation throughout the
10 territory proposed to be annexed a notice that the petition has been
11 filed, stating the time of the meeting at which it shall be presented,
12 and setting forth the boundaries of the territory proposed to be
13 annexed.

14 **Sec. 902.** RCW 57.24.020 and 1982 1st ex.s. c 17 s 22 are each
15 amended to read as follows:

16 When such petition is presented for hearing, the legislative
17 authority of each county in which the territory proposed to be annexed
18 is located shall hear the petition or may adjourn the hearing from time
19 to time not exceeding one month in all, and any person, firm, or
20 corporation may appear before the county legislative authority and make
21 objections to the proposed boundary lines or to annexation of the
22 territory described in the petition. Upon a final hearing each county
23 legislative authority shall make such changes in the proposed boundary
24 lines within the county as ((they)) it deems to be proper and shall
25 establish and define such boundaries and shall find whether the
26 proposed annexation as established by the county legislative authority
27 to the ((water)) district will be conducive to the public health,
28 welfare and convenience and will be of special benefit to the land
29 included within the boundaries of the territory proposed to be annexed
30 to the ((~~water district of the territory proposed to be annexed to the~~
31 ~~water~~)) district. No lands which will not, in the judgment of the
32 county legislative authority, be benefited by inclusion therein, shall
33 be included within the boundaries of the territory as so established
34 and defined. No change shall be made by the county legislative
35 authority in the boundary lines, including any territory outside of the
36 boundary lines described in the petition. No person having signed such
37 petition shall be allowed to withdraw ((his)) such person's name

1 to vote at ~~((such))~~ that election unless at the time of the filing of
2 the original petition he or she owned land in the district of record
3 and in addition thereto at the date of election shall be a qualified
4 ~~((elector))~~ voter of the county in which such district is located. It
5 shall be the duty of the county auditor, upon request of the county
6 ~~((commissioners))~~ legislative authority, to certify to the election
7 officers of any such election~~((r))~~ the names of all persons owning land
8 in the district at the date of the filing of the original petition as
9 shown by the records of ~~((his))~~ the auditor's office; and at any such
10 election the election officers may require any such ~~((landowner))~~
11 property owner offering to vote to take an oath that ~~((he))~~ the
12 property owner is a qualified ~~((elector))~~ voter of the county before
13 ~~((he))~~ the property owner shall be allowed to vote~~((; PROVIDED, That))~~.
14 However, at any election held under the provisions of this ~~((act))~~
15 chapter an officer or agent of any corporation having its principal
16 place of business in ~~((said))~~ the county and owning land at the date of
17 filing the original petition in the district duly authorized
18 ~~((thereto))~~ in writing may cast a vote on behalf of such corporation.
19 When so voting ~~((he))~~ the person shall file with the election officers
20 such a written instrument of ~~((his))~~ that person's authority. The
21 judge or judges at ~~((such))~~ that election shall make return thereof to
22 the board of ~~((water))~~ commissioners, who shall canvass such return and
23 cause a statement of the result of such election to be entered on the
24 record of ~~((such))~~ those commissioners. If the majority of the votes
25 cast upon the question of such election shall be for annexation, then
26 ~~((such))~~ the territory concerned shall immediately be and become
27 annexed to such ~~((water))~~ district and the same shall then forthwith be
28 a part of the ~~((said water))~~ district, the same as though originally
29 included in ~~((such))~~ that district.

30 **Sec. 904.** RCW 57.24.050 and 1929 c 114 s 17 are each amended to
31 read as follows:

32 All elections held pursuant to this ~~((act))~~ chapter, whether
33 general or special, shall be conducted by the county election board of
34 the county in which the district is located. The expense of all such
35 elections shall be paid for out of the funds of such ~~((water))~~
36 district.

1 **Sec. 905.** RCW 57.24.070 and 1985 c 141 s 8 are each amended to
2 read as follows:

3 A petition for annexation of an area contiguous to a ((water))
4 district may be made in writing, addressed to and filed with the board
5 of commissioners of the district to which annexation is desired. It
6 must be signed by the owners, according to the records of the county
7 auditor, of not less than sixty percent of the area of land for which
8 annexation is petitioned, excluding county and state rights of way,
9 parks, tidelands, lakes, retention ponds, and stream and water courses.
10 Additionally, the petition shall set forth a description of the
11 property according to government legal subdivisions or legal plats, and
12 shall be accompanied by a plat which outlines the boundaries of the
13 property sought to be annexed. ((Such)) Those county and state
14 properties shall be excluded from local improvement districts or
15 utility local improvement districts in the annexed area and from
16 special assessments, rates, or charges of the district except where
17 service has been regulated and provided to such properties. The owners
18 of such property shall be invited to be included within local
19 improvement districts or utility local improvement districts at the
20 time they are proposed for formation.

21 **Sec. 906.** RCW 57.24.090 and 1953 c 251 s 20 are each amended to
22 read as follows:

23 Following the hearing the board of commissioners shall determine by
24 resolution whether annexation shall be made. It may annex all or any
25 portion of the proposed area but may not include in the annexation any
26 property not described in the petition. Upon passage of the resolution
27 a certified copy shall be filed with the ((board of county
28 commissioners)) legislative authority of the county in which the
29 annexed property is located.

30 **Sec. 907.** RCW 57.24.170 and 1982 c 146 s 4 are each amended to
31 read as follows:

32 When there is, within a ((water)) district, unincorporated
33 territory containing less than one hundred acres and having at least
34 eighty percent of the boundaries of such area contiguous to the
35 ((water)) district, the board of commissioners may resolve to annex
36 ((such)) that territory to the ((water)) district. The resolution
37 shall describe the boundaries of the area to be annexed, state the

1 number of voters residing therein as nearly as may be, and set a date
2 for a public hearing on such resolution for annexation. Notice of the
3 hearing shall be given by publication of the resolution at least once
4 a week for two weeks prior to the date of the hearing, in one or more
5 newspapers of general circulation within the ((water)) district and one
6 or more newspapers of general circulation within the area to be
7 annexed.

8 **Sec. 908.** RCW 57.24.180 and 1982 c 146 s 5 are each amended to
9 read as follows:

10 On the date set for hearing under RCW 57.24.170, residents or
11 property owners of the area included in the resolution for annexation
12 shall be afforded an opportunity to be heard. The board of
13 commissioners may provide by resolution for annexation of the territory
14 described in the resolution, but the effective date of the resolution
15 shall be not less than forty-five days after the passage thereof. The
16 board of commissioners shall cause notice of the proposed effective
17 date of the annexation, together with a description of the property to
18 be annexed, to be published at least once each week for two weeks
19 subsequent to passage of the resolution, in one or more newspapers of
20 general circulation within the ((water)) district and in one or more
21 newspapers of general circulation within the area to be annexed. Upon
22 the filing of a timely and sufficient referendum petition under RCW
23 57.24.190, a referendum election shall be held under RCW 57.24.190, and
24 the annexation shall be deemed approved by the voters unless a majority
25 of the votes cast on the proposition are in opposition thereto. After
26 the expiration of the forty-fifth day from((7)) but excluding the date
27 of passage of the annexation resolution, if no timely and sufficient
28 referendum petition has been filed, under RCW 57.24.190, the area
29 annexed shall become a part of the ((water)) district upon the date
30 fixed in the resolution of annexation.

31 **Sec. 909.** RCW 57.24.190 and 1990 c 259 s 32 are each amended to
32 read as follows:

33 ((Such)) The annexation resolution under RCW 57.24.180 shall be
34 subject to referendum for forty-five days after the passage thereof.
35 Upon the filing of a timely and sufficient referendum petition with the
36 board of commissioners, signed by registered voters in number equal to
37 not less than ten percent of the registered voters in the area to be

1 annexed who voted in the last general municipal election, the question
2 of annexation shall be submitted to the voters of such area in a
3 general election if one is to be held within ninety days or at a
4 special election called for that purpose by the board of commissioners
5 in accordance with RCW 29.13.010 and 29.13.020. Notice of (~~such~~)
6 that election shall be given under RCW 57.24.020 and the election shall
7 be conducted under RCW 57.24.040. The annexation shall be deemed
8 approved by the voters unless a majority of the votes cast on the
9 proposition are in opposition thereto.

10 After the expiration of the forty-fifth day from but excluding the
11 date of passage of the annexation resolution, if no timely and
12 sufficient referendum petition has been filed, the area annexed shall
13 become a part of the (~~water~~) district upon the date fixed in the
14 resolution of annexation upon transmitting the resolution to the county
15 legislative authority.

16 **Sec. 910.** RCW 57.24.200 and 1986 c 258 s 2 are each amended to
17 read as follows:

18 (~~Water~~) A district(~~s~~) may expend funds to inform residents in
19 areas proposed for annexation into the district of the following:

- 20 (1) Technical information and data;
- 21 (2) The fiscal impact of the proposed improvement; and
- 22 (3) The types of improvements planned.

23 Expenditures under this section shall be limited to research,
24 preparation, printing, and mailing of the information.

25 **Sec. 911.** RCW 57.24.210 and 1995 c 279 s 2 are each amended to
26 read as follows:

27 When there is unincorporated territory containing less than one
28 hundred acres and having at least eighty percent of the boundaries of
29 such area contiguous to two municipal corporations providing water
30 service, one of which is (~~either a water or sewer~~) a water-sewer
31 district, the legislative authority of either of the contiguous
32 municipal corporations may resolve to annex such territory to that
33 municipal corporation, provided a majority of the legislative authority
34 of the other contiguous municipal corporation concurs. In such event,
35 the municipal corporation resolving to annex such territory may proceed
36 to effect the annexation by complying with RCW 57.24.170 through

1 57.24.190. For purposes of this section, "municipal corporation" means
2 a ((~~water district, sewer~~)) water-sewer district, city, or town.

3 **Sec. 912.** RCW 57.24.220 and 1994 c 292 s 8 are each amended to
4 read as follows:

5 A ((~~water~~)) district assuming responsibility for a water system
6 that is not in compliance with state or federal requirements for public
7 drinking water systems, and its agents and employees, are immune from
8 lawsuits or causes of action, based on noncompliance with state or
9 federal requirements for public drinking water systems, which predate
10 the date of assuming responsibility and continue after the date of
11 assuming responsibility, provided that the ((~~water~~)) district has
12 submitted and is complying with a plan and schedule of improvements
13 approved by the department of health. This immunity shall expire on
14 the earlier of the date the plan of improvements is completed or four
15 years from the date of assuming responsibility. This immunity does not
16 apply to intentional injuries, fraud, or bad faith.

17 **PART X - WITHDRAWAL OF TERRITORY**

18 **Sec. 1001.** RCW 57.28.010 and 1941 c 55 s 1 are each amended to
19 read as follows:

20 Territory within ((~~an established water~~)) a district for public
21 supply systems may be withdrawn therefrom in the following manner and
22 upon the following conditions: The petition for withdrawal shall be in
23 writing and shall designate the boundaries of the territory proposed to
24 be withdrawn from the district and shall be signed by at least twenty-
25 five percent of the qualified ((~~electors~~)) voters residing within the
26 territory so designated who are qualified ((~~electors~~)) voters on the
27 date of filing such petition. The petition shall set forth that the
28 territory proposed to be withdrawn is of such location or character
29 that water and sewer services cannot be furnished to it by ((~~such~~
30 ~~water~~)) the district at reasonable cost, and shall further set forth
31 that the withdrawal of such territory will be of benefit to such
32 territory and conducive to the general welfare of the balance of the
33 district.

34 **Sec. 1002.** RCW 57.28.020 and 1982 1st ex.s. c 17 s 23 are each
35 amended to read as follows:

1 The petition for withdrawal shall be filed with the county election
2 officer of each county in which the ((~~water~~)) district is located, and
3 after the filing no person having signed the petition shall be allowed
4 to withdraw ((~~his~~)) the person's name therefrom. Within ten days after
5 such filing, each county election officer shall examine and verify the
6 signatures of signers residing in the respective county. For such
7 purpose the county election officer shall have access to all
8 appropriate registration books in the possession of the election
9 officers of any incorporated city or town within the ((~~water~~))
10 district. The petition shall be transmitted to the election officer of
11 the county in which the largest land area of the district is located,
12 who shall certify to the sufficiency or insufficiency of the
13 signatures. If such petition be found by such county election officer
14 to contain sufficient signatures, the petition, together with a
15 certificate of sufficiency attached thereto, shall be transmitted to
16 the board of commissioners of the ((~~water~~)) district.

17 **Sec. 1003.** RCW 57.28.030 and 1941 c 55 s 3 are each amended to
18 read as follows:

19 In the event there are no qualified ((~~electors~~)) voters residing
20 within the territory proposed to be withdrawn, ((~~then~~)) the petition
21 for withdrawal may be signed by such persons as appear of record to own
22 at least a majority of the acreage within such territory, in which
23 event the petition shall also state the total number of acres and the
24 names of all record owners of the land within such territory. The
25 petition so signed shall be filed with the board of commissioners of
26 the ((~~water~~)) district, and after such filing no person having signed
27 the same shall be allowed to withdraw ((~~his~~)) that person's name.

28 **Sec. 1004.** RCW 57.28.035 and 1985 c 153 s 1 are each amended to
29 read as follows:

30 As an alternative procedure to those set forth in RCW 57.28.010
31 through 57.28.030, the withdrawal of territory within a ((~~water~~))
32 district may be commenced by a resolution of the board of commissioners
33 that sets forth boundaries of the territory to be withdrawn and sets a
34 date for the public hearing required under RCW 57.28.050. Upon the
35 final hearing, the board of commissioners shall make such changes in
36 the proposed boundaries as they deem proper, except that no changes in
37 the boundary lines may be made by the board of commissioners to include

1 lands not within the boundaries of the territory as described in such
2 resolution.

3 Whenever the board of commissioners proposes to commence the
4 withdrawal of any portion of (~~their~~) its territory located within a
5 city or town using the alternative procedures herein authorized,
6 (~~they~~) it shall first notify such city or town of their intent to
7 withdraw (~~said~~) the territory. If the legislative authority of the
8 city or town takes no action within sixty days of receipt of
9 notification, the district may proceed with the resolution method.

10 If the city or town legislative authority disapproves of use of the
11 alternative procedures, the board of commissioners may proceed using
12 the process established (~~pursuant to~~) under RCW 57.28.010 through
13 57.28.030.

14 A withdrawal procedure commenced under this section shall be
15 subject to the procedures and requirements set forth in RCW 57.28.040
16 through 57.28.110.

17 **Sec. 1005.** RCW 57.28.040 and 1985 c 469 s 59 are each amended to
18 read as follows:

19 Upon receipt by the board of commissioners of a petition and
20 certificate of sufficiency of the auditor, or if the petition is signed
21 by landowners and the board of commissioners (~~are~~) is satisfied as to
22 the sufficiency of the signatures thereon, (~~they~~) it shall at a
23 regular or special meeting fix a date for hearing on the petition and
24 give notice that the petition has been filed, stating the time and
25 place of the meeting of the board of commissioners at which the
26 petition will be heard and setting forth the boundaries of the
27 territory proposed to be withdrawn. The notice shall be published at
28 least once a week for two successive weeks in a newspaper of general
29 circulation therein, and if no such newspaper is printed in the county,
30 then in some newspaper of general circulation in the county and
31 district. Any additional notice of the hearing may be given as the
32 board of commissioners may by resolution direct.

33 Prior to fixing the time for a hearing on any such petition, the
34 board of commissioners in (~~their~~) its discretion may require the
35 petitioners to furnish a satisfactory bond conditioned that the
36 petitioners shall pay all costs incurred by the (~~water~~) district in
37 connection with the petition, including the cost of an election if one
38 is held pursuant thereto, and should the petitioners fail or refuse to

1 post such a bond, if one is required by the ((water)) district board of
2 commissioners, then there shall be no duty on the part of the board of
3 commissioners to act upon the petition.

4 **Sec. 1006.** RCW 57.28.050 and 1986 c 109 s 1 are each amended to
5 read as follows:

6 The petition for withdrawal shall be heard at the time and place
7 specified in such notice or the hearing may be adjourned from time to
8 time, not exceeding one month in all, and any person may appear at such
9 hearing and make objections to the withdrawal of such territory or to
10 the proposed boundary lines thereof. Upon final hearing on the
11 petition for withdrawal, the board of commissioners of the ((water))
12 district shall make such changes in the proposed boundary lines as
13 ((they)) it deems to be proper, except that no changes in the boundary
14 lines shall be made by the board of commissioners to include lands not
15 within the boundaries of the territory as described in such petition.
16 In establishing and defining such boundaries the board of commissioners
17 shall exclude any property which is then being furnished with water or
18 sewer service by the ((water)) district or which is included in any
19 distribution or collection system the construction of ((which has been
20 duly authorized or)) which is included within any duly established
21 local improvement district or utility local improvement district, and
22 the territory as finally established and defined must be substantial in
23 area and consist of adjoining or contiguous properties. The board of
24 commissioners shall thereupon make and by resolution adopt findings of
25 fact as to the following questions:

26 (1) Would the withdrawal of such territory be of benefit to such
27 territory?

28 (2) Would such withdrawal be conducive to the general welfare of
29 the balance of the district?

30 Such findings shall be entered in the records of the ((water))
31 district, together with any recommendations the board of commissioners
32 may by resolution adopt.

33 **Sec. 1007.** RCW 57.28.060 and 1982 1st ex.s. c 17 s 24 are each
34 amended to read as follows:

35 Within ten days after the final hearing the board of commissioners
36 of the ((water)) district shall transmit to the county legislative
37 authority of each county in which the ((water)) district is located the

1 petition for withdrawal, together with a copy of the findings and
2 recommendations of the board of commissioners of the ((water)) district
3 certified by the secretary of the ((water)) district to be a true and
4 correct copy of such findings and recommendations as the same appear on
5 the records of the ((water)) district.

6 **Sec. 1008.** RCW 57.28.070 and 1982 1st ex.s. c 17 s 25 are each
7 amended to read as follows:

8 Upon receipt of the petition and certified copy of the findings and
9 recommendations adopted by the ((water)) district commissioners, the
10 county legislative authority of each county in which the district is
11 located at a regular or special meeting shall fix a time and place for
12 hearing thereon and shall cause to be published at least once a week
13 for two or more weeks in successive issues of a newspaper of general
14 circulation in the ((water)) district, a notice that such petition has
15 been presented to the county legislative authority stating the time and
16 place of the hearing thereon, setting forth the boundaries of the
17 territory proposed to be withdrawn as such boundaries are established
18 and defined in the findings or recommendations of the board of
19 commissioners of the ((water)) district.

20 **Sec. 1009.** RCW 57.28.080 and 1941 c 55 s 8 are each amended to
21 read as follows:

22 ((Such)) The petition shall be heard at the time and place
23 specified in ((such)) the notice, or the hearing may be adjourned from
24 time to time, not exceeding one month in all, and any person may appear
25 at ((such)) the hearing and make objections to the withdrawal of
26 ((such)) the territory. Upon final hearing on ((such)) the petition
27 the ((said)) county ((commissioners)) legislative authority shall
28 thereupon make, enter, and by resolution adopt ((their)) its findings
29 of fact on the questions above set forth. If ((such)) the findings of
30 fact answer ((said)) the questions affirmatively, and if they are the
31 same as the findings made by the ((water)) district commissioners, then
32 the county ((commissioners)) legislative authority shall by resolution
33 declare that ((such)) the territory be withdrawn from ((such-water))
34 that district, and thereupon ((such)) the territory shall be withdrawn
35 and excluded from ((such-water)) that district the same as if it had
36 never been included therein except for the lien of taxes as hereinafter
37 set forth(~~(, provided, that)~~). However, the boundaries of the

1 territory withdrawn shall be the boundaries established and defined by
2 the ((said water)) district board of commissioners and shall not be
3 altered or changed by the county ((commissioners)) legislative
4 authority unless the unanimous consent of the ((water)) district
5 commissioners be given in writing to any such alteration or change.

6 **Sec. 1010.** RCW 57.28.090 and 1982 1st ex.s. c 17 s 26 are each
7 amended to read as follows:

8 If the findings of any county legislative authority answer any of
9 ((such)) the questions of fact in the negative, or if any of the
10 findings of the county legislative authority are not the same as the
11 findings of the ((water)) district board of commissioners upon the same
12 question, then in either of such events, the petition for withdrawal
13 shall be deemed denied. Thereupon, and in such event, the county
14 legislative authority of each county in which the district is located
15 shall by resolution cause a special election to be held not less than
16 thirty days or more than sixty days from the date of the final hearing
17 of any county legislative authority upon the petition for withdrawal,
18 at which election the proposition expressed on the ballots shall be
19 substantially as follows:

20 "Shall the territory established and defined by the ((water))
21 district board of commissioners at ((their)) its meeting held on the
22 (insert date of final hearing of ((water)) district board
23 of commissioners upon the petition for withdrawal) be withdrawn from
24 ((water)) district (naming it).

25 YES | NO | "

26 **Sec. 1011.** RCW 57.28.100 and 1982 1st ex.s. c 17 s 27 are each
27 amended to read as follows:

28 Notice of ((such)) the election shall be posted and published in
29 the same manner provided by law for the posting and publication of
30 notice of elections to annex territory to ((water)) districts. The
31 territory described in the notice shall be that established and defined
32 by the ((water)) district board of commissioners. All qualified voters
33 residing within the ((water)) district shall have the right to vote at
34 the election. If a majority of the votes cast favor the withdrawal
35 from the ((water)) district of such territory, then within ten days
36 after the official canvass of ((such)) the election the county

1 legislative authority of each county in which the district is
2 located(~~(7)~~) shall by resolution establish that the territory has been
3 withdrawn, and the territory shall thereupon be withdrawn and excluded
4 from the (~~(water)~~) district the same as if it had never been included
5 therein except for the lien of any taxes as hereinafter set forth.

6 **Sec. 1012.** RCW 57.28.110 and 1941 c 55 s 11 are each amended to
7 read as follows:

8 (~~(Any and all)~~) Taxes or assessments levied or assessed against
9 property located in territory withdrawn from a (~~(water)~~) district shall
10 remain a lien and be (~~(collectible)~~) collected as by law provided when
11 (~~(such)~~) the taxes or assessments are levied or assessed prior to
12 (~~(such)~~) the withdrawal or when (~~(such)~~) the levies or assessments are
13 duly made to provide revenue for the payment of general obligations or
14 general obligation bonds of the (~~(water)~~) district duly incurred or
15 issued prior to (~~(such)~~) the withdrawal.

16 **PART XI - CONSOLIDATION OF DISTRICTS**

17 **Sec. 1101.** RCW 57.32.010 and 1989 c 308 s 11 are each amended to
18 read as follows:

19 Two or more (~~(water)~~) districts may be joined into one consolidated
20 (~~(water)~~) district. The consolidation may be initiated in either of
21 the following ways: (1) Ten percent of the (~~(legal electors)~~) voters
22 residing within each of the (~~(water)~~) districts proposed to be
23 consolidated may petition the board of (~~(water)~~) commissioners of
24 (~~(each of)~~) their respective (~~(water)~~) districts to cause the question
25 to be submitted to the(~~(legal electors)~~) voters of the (~~(water)~~)
26 districts proposed to be consolidated; or (2) the board(~~(s)~~) of
27 (~~(water)~~) commissioners of each of the (~~(water)~~) districts proposed to
28 be consolidated may by resolution determine that the consolidation of
29 the districts shall be conducive to the public health, welfare, and
30 convenience and to be of special benefit to the lands of the districts.

31 **Sec. 1102.** RCW 57.32.020 and 1982 1st ex.s. c 17 s 30 are each
32 amended to read as follows:

33 If the consolidation proceedings are initiated by petitions, upon
34 the filing of such petitions with the boards of (~~(water)~~) commissioners
35 of the (~~(water)~~) districts, the boards of (~~(water)~~) commissioners of

1 each district shall file such petitions with the election officer of
2 ~~((each))~~ the county in which ~~((any))~~ the respective district is
3 located, who shall within ten days examine and verify the signatures of
4 the signers residing in the county. The petition shall be transmitted
5 by the other county election officers to the county election officer of
6 the county in which the largest land area involved in the petitions is
7 located, who shall certify to the sufficiency or insufficiency of the
8 signatures. If all of such petitions shall be found to contain a
9 sufficient number of signatures, the county election officer shall
10 transmit the same, together with a certificate of sufficiency attached
11 thereto, to the board~~((s))~~ of ~~((water))~~ commissioners of each of the
12 districts proposed for consolidation. ~~((In the event that))~~ If there
13 are no ~~((legal electors))~~ voters residing in one or more of the
14 ~~((water))~~ districts proposed to be consolidated, such petitions may be
15 signed by such a number of landowners as appear of record to own at
16 least a majority of the acreage in the pertinent ~~((water))~~ district,
17 and the petitions shall disclose the total number of acres of land in
18 ~~((the said water))~~ that district and shall also contain the names of
19 all record owners of land therein.

20 **Sec. 1103.** RCW 57.32.021 and 1967 ex.s. c 39 s 8 are each amended
21 to read as follows:

22 Upon receipt by the boards of ~~((water))~~ commissioners of the
23 districts proposed for consolidation, hereinafter referred to as the
24 "consolidating districts", of the county ~~((auditor's))~~ election
25 officer's certificate of sufficiency of the petitions, or upon adoption
26 by the boards of ~~((water))~~ commissioners of the consolidating districts
27 of their resolutions for consolidation, the boards of ~~((water))~~
28 commissioners of the consolidating districts shall, within ninety days,
29 enter into an agreement providing for consolidation. The agreement
30 shall set forth the method and manner of consolidation, a comprehensive
31 plan or scheme of water supply and sewer services for the consolidated
32 district, and~~((,))~~ if the comprehensive plan or scheme of water supply
33 and sewer services provides that one or more of the consolidating
34 districts or the proposed consolidated district issue revenue bonds for
35 either the construction ~~((and/or))~~ or other costs of any part or all of
36 ~~((said))~~ the comprehensive plan, or both, then the details thereof
37 shall be set forth. The requirement that a comprehensive plan or
38 scheme of water supply and sewer services for the consolidated district

1 be set forth in the agreement for consolidation(~~(7)~~) shall be satisfied
2 if the existing comprehensive plans or schemes of the consolidating
3 districts are incorporated therein by reference and any changes or
4 additions thereto are set forth in detail.

5 **Sec. 1104.** RCW 57.32.022 and 1994 c 223 s 71 are each amended to
6 read as follows:

7 The (~~respective~~) boards of (~~water~~) commissioners of the
8 consolidating districts shall certify the agreement to the county
9 election officers of (~~each county~~) the respective counties in which
10 the districts are located. A special election shall be called by the
11 county election officers for the purpose of submitting to the voters of
12 each of the consolidating districts the proposition of whether or not
13 the several districts shall be consolidated into one (~~water~~)
14 district. The proposition shall give the title of the proposed
15 consolidated district. Notice of the election shall be given and the
16 election conducted in accordance with the general election laws.

17 **Sec. 1105.** RCW 57.32.023 and 1994 c 223 s 72 are each amended to
18 read as follows:

19 If at the election a majority of the voters in each of the
20 consolidating districts vote in favor of the consolidation, the county
21 canvassing board shall so declare in its canvass and the return of such
22 election shall be made within ten days after the date thereof. Upon
23 the return the consolidation shall be effective and the consolidating
24 districts shall cease to exist and shall then be and become a new
25 (~~water~~) district and municipal corporation of the state of
26 Washington. The name of (~~such~~) the new (~~water~~) district shall be
27 "~~(Water District No.)~~ Water-Sewer District," ".
28 Water District," ". Sewer District," or ". District
29 No.,"(~~7~~) which shall be the name appearing on the ballot. The
30 district shall have all and every power, right, and privilege possessed
31 by other water-sewer, sewer, or water districts of the state of
32 Washington. The district may issue revenue bonds to pay for the
33 construction of any additions and betterments set forth in the
34 comprehensive plan of water supply and sewer services contained in the
35 agreement for consolidation and any future additions and betterments to
36 the comprehensive plan of water supply and sewer services, as its board

1 of ((water)) district commissioners shall by resolution adopt, without
2 submitting a proposition therefor to the voters of the district.

3 **Sec. 1106.** RCW 57.32.024 and 1967 ex.s. c 39 s 11 are each amended
4 to read as follows:

5 Upon the formation of any consolidated ((water)) district, all
6 funds, rights, and property, real and personal, of the former
7 districts, shall vest in and become the property of the consolidated
8 district. Unless the agreement for consolidation provides to the
9 contrary, any outstanding indebtedness of any form, owed by the
10 districts, shall remain the obligation of the area of the original
11 debtor district and the ((water)) board of commissioners of the
12 consolidated ((water)) district shall make such levies, assessments, or
13 charges for service upon that area or the ((water)) users therein as
14 shall pay off the indebtedness at maturity.

15 **Sec. 1107.** RCW 57.32.130 and 1985 c 141 s 9 are each amended to
16 read as follows:

17 The ((water)) commissioners of ((~~all water~~)) the districts
18 consolidated into any new consolidated ((water)) district shall become
19 ((water)) commissioners thereof until their respective terms of office
20 expire or until they resign from office if the resignation is before
21 the expiration of their terms of office. At each election of ((water))
22 commissioners following the consolidation, only one position shall be
23 filled, so that as the terms of office expire, the total number of
24 ((water)) commissioners in the consolidated ((water)) district shall be
25 reduced to three. If one or both of the districts have five
26 commissioners, the agreement providing for consolidation shall provide
27 for the number of commissioners in the consolidated district and the
28 method of reducing the number of commissioners to five or three, as
29 applicable.

30 **Sec. 1108.** RCW 57.32.160 and 1987 c 449 s 18 are each amended to
31 read as follows:

32 A part of one ((~~water or sewer~~)) district may be transferred into
33 an adjacent ((water)) district if the area can be better served
34 thereby. Such transfer can be accomplished by a petition, directed to
35 both districts, signed by the owners according to the records of the
36 county ((~~auditor~~)) election officer of not less than sixty percent of

1 the area of land to be transferred. If a majority of the commissioners
2 of each district approves the petition, copies of the approving
3 resolutions shall be filed with the county legislative authority which
4 shall act upon the petition as a proposed action in accordance with RCW
5 57.02.040.

6 **PART XII - MERGER OF DISTRICTS**

7 **Sec. 1201.** RCW 57.36.010 and 1989 c 308 s 12 are each amended to
8 read as follows:

9 Whenever two (~~water~~) districts desire to merge, either district,
10 hereinafter referred to as the "merging district", may merge into the
11 other district, hereinafter referred to as the "merger district", and
12 the merger district (~~will~~) shall survive under its original number.

13 **Sec. 1202.** RCW 57.36.020 and 1967 ex.s. c 39 s 4 are each amended
14 to read as follows:

15 A merger of two (~~water~~) districts may be initiated in either of
16 the following ways:

17 (1) Whenever the boards of (~~water~~) commissioners of both (~~such~~)
18 districts determine by resolution that the merger of such districts
19 shall be conducive to the public health, welfare, and convenience and
20 to be of special benefit to the lands of such districts.

21 (2) Whenever ten percent of the (~~legal electors~~) voters residing
22 within the merging district petition the board of (~~water~~)
23 commissioners of the merging (~~water~~) district for a merger, and the
24 board of (~~water~~) commissioners of the merger district determines by
25 resolution that the merger of the districts shall be conducive to the
26 public health, welfare, and convenience of the two districts.

27 **Sec. 1203.** RCW 57.36.030 and 1982 1st ex.s. c 17 s 33 are each
28 amended to read as follows:

29 Whenever a merger is initiated in either of the two ways provided
30 under this chapter, the boards of (~~water~~) commissioners of the two
31 districts shall enter into an agreement providing for the merger.
32 (~~Said~~) The agreement must be entered into within ninety days
33 following completion of the last act in initiation of the merger.

34 The respective boards of (~~water~~) commissioners shall certify the
35 agreement to the county election officer of each county in which the

1 districts are located. ((The)) Each county election officer shall call
2 a special election for the purpose of submitting to the voters of the
3 ((merging)) respective districts the proposition of whether the merging
4 district shall be merged into the merger district. Notice of the
5 elections shall be given and the elections conducted in accordance with
6 the general election laws.

7 **Sec. 1204.** RCW 57.36.040 and 1982 c 104 s 2 are each amended to
8 read as follows:

9 If at such election a majority of the voters of the merging
10 ((water)) district shall vote in favor of the merger, the county
11 canvassing board shall so declare in its canvass and the return of such
12 election shall be made within ten days after the date thereof, and upon
13 such return the merger shall be effective and the merging ((water))
14 district shall cease to exist and shall become a part of the merger
15 ((water)) district. The ((water)) commissioners of the merging
16 district shall hold office as commissioners of the new ((consolidated
17 water)) merged district until their respective terms of office expire
18 or until they resign from office if the resignation is before the
19 expiration of their terms of office. At the district election
20 immediately preceding the time when the ((total number of)) remaining
21 ((water)) commissioners ((is reduced to)) have only two ((through))
22 years before the expiration of their terms of office, one ((water))
23 commissioner shall be elected for a four-year term of office. At the
24 next district election, one ((water)) commissioner shall be elected for
25 a four-year term of office and one shall be elected for a six-year term
26 of office. Thereafter, each ((water)) commissioner shall be elected
27 for a six-year term of office in the manner provided by RCW 57.12.020
28 and ((57.12.030)) sections 404 through 406 of this act for elections in
29 an existing district. If the merger district has a five-member board
30 of commissioners, at the district election immediately preceding the
31 time when the remaining commissioners have only two years before the
32 expiration of their terms of office, two commissioners shall be elected
33 for a six-year term of office and one commissioner shall be elected for
34 a four-year term of office. At the next district election, two
35 commissioners shall be elected for a six-year term of office.
36 Thereafter, each commissioner shall be elected for a six-year term of
37 office in the manner provided by sections 404 through 406 of this act
38 for election in an existing district.

1 No ((water)) district shall dispose of its property to a public
2 utility district unless the respective board of commissioners of each
3 district shall determine by resolution that such disposition is in the
4 public interest and conducive to the public health, welfare, and
5 convenience. Copies of each resolution, together with copies of the
6 proposed disposition agreement, shall be filed with the legislative
7 authority of the county in which the ((water)) district is located((7))
8 and with the superior court of that county. Unless the proposed
9 agreement provides otherwise, any outstanding indebtedness of any
10 form((7)) owed by the water district((7)) shall remain the obligation
11 of the area of the ((water)) district, and the board of commissioners
12 of the public utility district ((commissioners)) shall be empowered to
13 make such levies, assessments, or charges upon that area or the water
14 or sewer users therein as shall pay off the indebtedness at maturity.

15 **Sec. 1303.** RCW 57.42.030 and 1973 1st ex.s. c 56 s 3 are each
16 amended to read as follows:

17 Within ninety days after the resolutions and proposed agreement
18 have been filed with the court, the court shall fix a date for a
19 hearing and shall direct that notice of the hearing be given by
20 publication. After reviewing the proposed agreement and considering
21 other evidence presented at the hearing, the court may determine by
22 decree that the proposed disposition is in the public interest and
23 conducive to the public health, welfare, and convenience. In addition,
24 the decree shall authorize the payment of all or a portion of the
25 indebtedness of the ((water)) district relating to property disposed of
26 under such decree. Pursuant to the court decree, the ((water))
27 district shall dispose of its property under the terms of the
28 disposition agreement with the public utility district.

29 **PART XIV - LOW-INCOME CUSTOMER ASSISTANCE**

30 **Sec. 1401.** RCW 57.46.010 and 1995 c 399 s 149 are each amended to
31 read as follows:

32 A ((water)) district may include along with, or as part of its
33 regular customer billings, a request for voluntary contributions to
34 assist qualified low-income residential customers of the district in
35 paying their ((water)) district bills. All funds received by the
36 district in response to such requests shall be transmitted to the

1 grantee of the department of community, trade, and economic development
2 which administers federally funded energy assistance programs for the
3 state in the district's service area or to a charitable organization
4 within the district's service area. All such funds shall be used
5 solely to supplement assistance to low-income residential customers of
6 the district in paying their ((water)) district bills. The grantee or
7 charitable organization shall be responsible to determine which of the
8 district's customers are qualified for low-income assistance and the
9 amount of assistance to be provided to those who are qualified.

10 **Sec. 1402.** RCW 57.46.020 and 1995 c 399 s 150 are each amended to
11 read as follows:

12 All assistance provided under this chapter shall be disbursed by
13 the grantee or charitable organization. Where possible the ((water))
14 district ((will)) shall be paid on behalf of the customer by the
15 grantee or the charitable organization. When direct vendor payment is
16 not feasible, a check ((will)) shall be issued jointly payable to the
17 customer and the ((water)) district. The availability of funds for
18 assistance to a district's low-income customers as a result of
19 voluntary contributions shall not reduce the amount of assistance for
20 which the district's customers are eligible under the federally funded
21 energy assistance programs administered by the grantee of the
22 department of community, trade, and economic development within the
23 district's service area. The grantee or charitable organization shall
24 provide the district with a quarterly report on January 15th, April
25 15th, July 15th, and October 15th which includes information concerning
26 the total amount of funds received from the district, the names of all
27 recipients of assistance from these funds, the amount received by each
28 recipient, and the amount of funds received from the district currently
29 on hand and available for future low-income assistance.

30 **Sec. 1403.** RCW 57.46.030 and 1993 c 45 s 7 are each amended to
31 read as follows:

32 Contributions received under a program implemented by a ((water))
33 district in compliance with this chapter shall not be considered a
34 commingling of funds.

35

PART XV - DISINCORPORATION

1 **Sec. 1501.** RCW 57.90.001 and 1989 c 84 s 63 are each amended to
2 read as follows:

3 Actions taken under this chapter (~~(57.90-RCW)~~) may be subject to
4 potential review by a boundary review board under chapter 36.93 RCW.

5 **Sec. 1502.** RCW 57.90.010 and 1991 c 363 s 137 are each amended to
6 read as follows:

7 Water-sewer, sewer, water, (~~(sewer,)~~) park and recreation,
8 metropolitan park, county rural library, cemetery, flood control,
9 mosquito control, diking and drainage, irrigation or reclamation, weed,
10 health, or fire protection districts, and any air pollution control
11 authority, hereinafter referred to as "special districts(~~(-)~~)," which
12 are located wholly or in part within a county with a population of two
13 hundred ten thousand or more may be disincorporated when the district
14 has not actively carried out any of the special purposes or functions
15 for which it was formed within the preceding consecutive five-year
16 period.

17 **Sec. 1503.** RCW 57.90.020 and 1982 1st ex.s. c 17 s 35 are each
18 amended to read as follows:

19 Upon the filing with the county legislative authority of each
20 county in which the district is located of a resolution of any
21 governmental unit calling for the disincorporation of a special
22 district, or upon the filing with the county legislative authority of
23 each county in which the district is located of the petition of twenty
24 percent of the (~~(qualified electors)~~) voters within a special district
25 calling for the disincorporation of (~~(a))~~ the special district, the
26 county legislative authority shall hold public hearings to determine
27 whether or not any services have been provided within a consecutive
28 five year period and whether the best interests of all persons
29 concerned will be served by the proposed dissolution of the special
30 district.

31 **Sec. 1504.** RCW 57.90.030 and 1963 c 55 s 3 are each amended to
32 read as follows:

33 If the (~~(board of))~~ county (~~(commissioners))~~ legislative authority
34 finds that no services have been provided within the preceding
35 consecutive five-year period and that the best interests of all persons
36 concerned will be served by disincorporating the special district, it

1 shall order that such action be taken, specify the manner in which it
2 is to be accomplished and supervise the liquidation of any assets and
3 the satisfaction of any outstanding indebtedness.

4 **Sec. 1505.** RCW 57.90.040 and 1963 c 55 s 4 are each amended to
5 read as follows:

6 ~~((In the event))~~ If a special district is disincorporated the
7 proceeds of the sale of any of its assets, together with money~~((s))~~ on
8 hand in the treasury of the special district, shall after payment of
9 all costs and expenses and all outstanding indebtedness be paid to the
10 county treasurer to be placed to the credit of the school district, or
11 districts, in which such special district is situated.

12 **Sec. 1506.** RCW 57.90.050 and 1963 c 55 s 5 are each amended to
13 read as follows:

14 ~~((In the event))~~ If a special district is disincorporated and the
15 proceeds of the sale of any of its assets, together with money~~((s))~~ on
16 hand in the treasury of the special district, are insufficient to
17 retire any outstanding indebtedness, together with all costs and
18 expenses of liquidation, the ~~((board of))~~ county ~~((commissioners))~~
19 legislative authority shall levy assessments in the manner provided by
20 law against the property in the special district in amounts sufficient
21 to retire ~~((said))~~ the indebtedness and pay ~~((such))~~ the costs and
22 expenses.

23 **Sec. 1507.** RCW 57.90.100 and 1971 ex.s. c 125 s 1 are each amended
24 to read as follows:

25 Whenever as the result of abandonment of an irrigation district
26 right of way real property held by an irrigation district is to be sold
27 or otherwise disposed of, notice shall be given to the owners of the
28 lands adjoining that real property and such owners shall have ~~((a))~~ the
29 right of first refusal to purchase at the appraised price all or any
30 part of the real property to be sold or otherwise disposed of which
31 adjoins or is adjacent to their land.

32 Real property to be sold or otherwise disposed of under this
33 section shall have been first appraised by the county assessor or by a
34 person designated by ~~((him))~~ the county assessor.

35 Notice under this section shall be sufficient if sent by registered
36 mail to the owner~~((, and))~~ at the address~~((, as))~~ shown in the tax

1 records of the county in which the land is situated. Notice under this
2 section shall be in addition to any (~~other~~) notice required by law.

3 After sixty days from the date of sending of notice, if no
4 applications for purchase have been received by the irrigation district
5 or other person or entity sending notice, the rights of first refusal
6 of owners of adjoining lands shall be deemed to have been waived, and
7 the real property may be (~~sold or otherwise~~) disposed of or sold.

8 If two or more owners of adjoining lands apply to purchase the same
9 real property, or apply to purchase overlapping parts of the real
10 property, the respective rights of the applicants may be determined in
11 the superior court of the county in which the real property is
12 situated(~~and~~). The court may divide the real property in question
13 between some or all of the applicants or award the whole to one
14 applicant, as justice may require.

15 **PART XVI - MISCELLANEOUS**

16 NEW SECTION. **Sec. 1601.** Part headings as used in this act do not
17 constitute any part of the law.

18 NEW SECTION. **Sec. 1602.** (1) RCW 56.02.070, 56.02.100, and
19 56.02.110, as amended by this act, are each recodified as sections in
20 chapter 57.02 RCW.

21 (2) RCW 56.04.080, 56.04.120, and 56.04.130, as amended by this
22 act, are each recodified as sections in chapter 57.04 RCW.

23 (3) RCW 56.02.030, 56.02.080, and 56.36.070 are each recodified as
24 sections in chapter 57.06 RCW.

25 (4) RCW 56.08.060 and 56.08.012, as amended by this act, and
26 56.08.170 are each recodified as sections in chapter 57.08 RCW.

27 (5) RCW 56.08.030, as amended by this act, is recodified as a
28 section in chapter 57.16 RCW.

29 (6) RCW 56.20.030, as amended by this act, is recodified as a
30 section in chapter 57.16 RCW.

31 (7) RCW 57.16.020, 57.16.030, 57.16.035, and 57.16.040 are each
32 recodified as sections in chapter 57.20 RCW.

33 (8) RCW 57.40.135, as amended by this act, is recodified as a
34 section in chapter 57.36 RCW.

1 NEW SECTION. **Sec. 1603.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 56.02.010 and 1953 c 250 s 26;
4 (2) RCW 56.02.040 and 1959 c 103 s 18;
5 (3) RCW 56.02.050 and 1971 ex.s. c 272 s 12;
6 (4) RCW 56.02.055 and 1982 1st ex.s. c 17 s 1;
7 (5) RCW 56.02.060 and 1988 c 162 s 5 & 1971 ex.s. c 139 s 1;
8 (6) RCW 56.02.120 and 1982 1st ex.s. c 17 s 2;
9 (7) RCW 56.04.001 and 1989 c 84 s 50;
10 (8) RCW 56.04.020 and 1974 ex.s. c 58 s 1, 1971 ex.s. c 272 s 1,
11 1945 c 140 s 1, 1943 c 74 s 1, & 1941 c 210 s 1;
12 (9) RCW 56.04.030 and 1990 c 259 s 21, 1987 c 33 s 1, 1945 c 140 s
13 2, & 1941 c 210 s 2;
14 (10) RCW 56.04.040 and 1945 c 140 s 3 & 1941 c 210 s 3;
15 (11) RCW 56.04.050 and 1990 c 259 s 22, 1987 c 33 s 2, 1973 1st
16 ex.s. c 195 s 61, 1953 c 250 s 1, 1945 c 140 s 4, & 1941 c 210 s 4;
17 (12) RCW 56.04.060 and 1945 c 140 s 5 & 1941 c 210 s 6;
18 (13) RCW 56.04.065 and 1983 c 88 s 1;
19 (14) RCW 56.04.070 and 1985 c 141 s 2, 1981 c 45 s 3, & 1941 c 210
20 s 5;
21 (15) RCW 56.04.090 and 1994 c 81 s 79, 1945 c 140 s 16, & 1941 c
22 210 s 47;
23 (16) RCW 56.08.010 and 1989 c 389 s 2, 1989 c 308 s 1, & 1987 c 449
24 s 1;
25 (17) RCW 56.08.013 and 1985 c 98 s 1 & 1977 ex.s. c 146 s 1;
26 (18) RCW 56.08.014 and 1983 c 198 s 1;
27 (19) RCW 56.08.015 and 1984 c 147 s 6 & 1969 c 119 s 1;
28 (20) RCW 56.08.020 and 1990 1st ex.s. c 17 s 34, 1982 c 213 s 1,
29 1979 c 23 s 1, 1977 ex.s. c 300 s 1, 1971 ex.s. c 272 s 2, 1959 c 103
30 s 2, 1953 c 250 s 4, 1947 c 212 s 2, 1945 c 140 s 10, 1943 c 74 s 2, &
31 1941 c 210 s 11;
32 (21) RCW 56.08.040 and 1953 c 250 s 6, 1951 c 129 s 1, 1943 c 74 s
33 3, & 1941 c 210 s 13;
34 (22) RCW 56.08.050 and 1977 ex.s. c 300 s 2, 1953 c 250 s 7, & 1941
35 c 210 s 15;
36 (23) RCW 56.08.065 and 1989 c 84 s 51;
37 (24) RCW 56.08.070 and 1994 c 31 s 1;
38 (25) RCW 56.08.075 and 1987 c 449 s 2 & 1982 c 105 s 2;

1 (26) RCW 56.08.080 and 1993 c 198 s 17, 1989 c 308 s 5, 1984 c 172
2 s 1, & 1953 c 51 s 1;
3 (27) RCW 56.08.090 and 1993 c 198 s 18, 1989 c 308 s 6, 1988 c 162
4 s 1, 1984 c 103 s 2, & 1953 c 51 s 2;
5 (28) RCW 56.08.092 and 1986 c 244 s 15;
6 (29) RCW 56.08.100 and 1991 sp.s. c 30 s 24, 1991 c 82 s 1, 1981 c
7 190 s 5, 1973 c 24 s 1, & 1961 c 261 s 1;
8 (30) RCW 56.08.105 and 1973 c 125 s 6;
9 (31) RCW 56.08.110 and 1995 c 301 s 75, 1973 1st ex.s. c 195 s 62,
10 1970 ex.s. c 47 s 4, & 1961 c 267 s 1;
11 (32) RCW 56.08.120 and 1967 c 178 s 1;
12 (33) RCW 56.08.130 and 1967 c 178 s 2;
13 (34) RCW 56.08.140 and 1991 c 82 s 2 & 1967 c 178 s 3;
14 (35) RCW 56.08.150 and 1967 c 178 s 4;
15 (36) RCW 56.08.160 and 1967 c 178 s 5;
16 (37) RCW 56.08.180 and 1982 c 213 s 3;
17 (38) RCW 56.08.190 and 1987 c 309 s 3;
18 (39) RCW 56.08.200 and 1995 c 376 s 14 & 1991 c 190 s 1;
19 (40) RCW 56.12.010 and 1985 c 330 s 5, 1980 c 92 s 1, 1969 ex.s. c
20 148 s 7, 1959 c 103 s 4, 1955 c 373 s 1, 1945 c 140 s 8, & 1941 c 210
21 s 9;
22 (41) RCW 56.12.015 and 1994 c 223 s 62, 1991 c 190 s 2, 1990 c 259
23 s 23, & 1987 c 449 s 3;
24 (42) RCW 56.12.020 and 1994 c 223 s 63, 1979 ex.s. c 126 s 38, 1963
25 c 200 s 17, 1955 c 55 s 12, & 1953 c 110 s 1;
26 (43) RCW 56.12.030 and 1994 c 223 s 64, 1990 c 259 s 24, 1986 c 41
27 s 1, 1985 c 141 s 3, 1981 c 169 s 2, 1953 c 250 s 9, 1947 c 212 s 1,
28 1945 c 140 s 7, & 1941 c 210 s 8;
29 (44) RCW 56.12.040 and 1987 c 449 s 4;
30 (45) RCW 56.12.050 and 1994 c 223 s 65;
31 (46) RCW 56.16.010 and 1984 c 186 s 46, 1973 1st ex.s. c 195 s 63,
32 1953 c 250 s 10, 1951 2nd ex.s. c 26 s 1, & 1941 c 210 s 14;
33 (47) RCW 56.16.020 and 1987 c 449 s 5, 1977 ex.s. c 300 s 3, 1959
34 c 103 s 5, 1953 c 250 s 11, 1951 c 129 s 2, & 1941 c 210 s 16;
35 (48) RCW 56.16.030 and 1989 c 389 s 3, 1984 c 186 s 47, 1977 ex.s.
36 c 300 s 4, 1973 1st ex.s. c 195 s 64, 1959 c 103 s 6, 1953 c 250 s 12,
37 1951 2nd ex.s. c 26 s 2, 1951 c 129 s 3, 1945 c 140 s 11, & 1941 c 210
38 s 17;
39 (49) RCW 56.16.035 and 1977 ex.s. c 300 s 5 & 1959 c 103 s 7;

1 (50) RCW 56.16.040 and 1984 c 186 s 48, 1983 c 167 s 155, 1973 1st
2 ex.s. c 195 s 65, 1970 ex.s. c 56 s 80, 1969 ex.s. c 232 s 85, 1953 c
3 250 s 13, 1951 2nd ex.s. c 26 s 3, 1945 c 140 s 12, & 1941 c 210 s 18;
4 (51) RCW 56.16.050 and 1984 c 186 s 49, 1970 ex.s. c 42 s 34, 1945
5 c 140 s 15, & 1941 c 210 s 42;
6 (52) RCW 56.16.060 and 1983 c 167 s 156, 1975 1st ex.s. c 25 s 1,
7 1971 ex.s. c 272 s 4, 1970 ex.s. c 56 s 81, 1969 ex.s. c 232 s 86, 1959
8 c 103 s 8, & 1941 c 210 s 19;
9 (53) RCW 56.16.065 and 1975 1st ex.s. c 25 s 4;
10 (54) RCW 56.16.070 and 1959 c 103 s 9 & 1941 c 210 s 20;
11 (55) RCW 56.16.080 and 1983 c 167 s 157, 1975 1st ex.s. c 25 s 2,
12 1970 ex.s. c 56 s 82, & 1941 c 210 s 21;
13 (56) RCW 56.16.085 and 1959 c 103 s 10;
14 (57) RCW 56.16.090 and 1991 c 347 s 19, 1974 ex.s. c 58 s 3, 1959
15 c 103 s 11, & 1941 c 210 s 22;
16 (58) RCW 56.16.100 and 1977 ex.s. c 300 s 6, 1971 ex.s. c 272 s 5,
17 1953 c 250 s 14, & 1941 c 210 s 23;
18 (59) RCW 56.16.110 and 1977 ex.s. c 300 s 7, 1971 ex.s. c 272 s 6,
19 1953 c 250 s 15, & 1941 c 210 s 24;
20 (60) RCW 56.16.115 and 1984 c 186 s 50, 1977 ex.s. c 300 s 8, 1973
21 1st ex.s. c 195 s 66, 1959 c 103 s 12, & 1953 c 250 s 16;
22 (61) RCW 56.16.130 and 1983 c 167 s 158 & 1941 c 210 s 45;
23 (62) RCW 56.16.135 and 1988 c 162 s 10 & 1983 c 57 s 2;
24 (63) RCW 56.16.140 and 1983 c 57 s 1, 1971 ex.s. c 272 s 7, 1959 c
25 103 s 13, & 1941 c 210 s 46;
26 (64) RCW 56.16.150 and 1959 c 103 s 14;
27 (65) RCW 56.16.160 and 1986 c 294 s 12, 1983 c 66 s 21, 1981 c 24
28 s 3, 1973 1st ex.s. c 140 s 2, & 1959 c 103 s 15;
29 (66) RCW 56.16.165 and 1981 c 24 s 1;
30 (67) RCW 56.16.170 and 1959 c 103 s 16;
31 (68) RCW 56.20.010 and 1987 c 169 s 1, 1971 ex.s. c 272 s 8, & 1941
32 c 210 s 26;
33 (69) RCW 56.20.015 and 1983 c 167 s 159, 1981 c 45 s 5, 1980 c 12
34 s 1, 1977 ex.s. c 300 s 9, & 1974 ex.s. c 58 s 4;
35 (70) RCW 56.20.020 and 1986 c 256 s 1, 1977 ex.s. c 300 s 10, 1974
36 ex.s. c 58 s 5, 1965 ex.s. c 40 s 1, 1953 c 250 s 17, & 1941 c 210 s
37 27;
38 (71) RCW 56.20.032 and 1989 c 243 s 10;
39 (72) RCW 56.20.033 and 1987 c 315 s 5;

1 (73) RCW 56.20.040 and 1953 c 250 s 19 & 1941 c 210 s 29;
2 (74) RCW 56.20.050 and 1941 c 210 s 30;
3 (75) RCW 56.20.060 and 1941 c 210 s 31;
4 (76) RCW 56.20.070 and 1971 ex.s. c 272 s 10, 1969 c 126 s 1, &
5 1941 c 210 s 33;
6 (77) RCW 56.20.080 and 1991 c 190 s 4, 1971 ex.s. c 272 s 11, 1971
7 c 81 s 125, 1965 ex.s. c 40 s 2, & 1941 c 210 s 32;
8 (78) RCW 56.20.090 and 1953 c 250 s 20;
9 (79) RCW 56.20.120 and 1987 c 449 s 7;
10 (80) RCW 56.22.010 and 1989 c 389 s 4;
11 (81) RCW 56.22.020 and 1989 c 389 s 5;
12 (82) RCW 56.22.030 and 1989 c 389 s 6;
13 (83) RCW 56.22.040 and 1989 c 389 s 7;
14 (84) RCW 56.22.050 and 1989 c 389 s 8;
15 (85) RCW 56.24.001 and 1989 c 84 s 52;
16 (86) RCW 56.24.070 and 1990 c 259 s 25, 1989 c 308 s 3, 1988 c 162
17 s 13, 1985 c 469 s 56, 1982 1st ex.s. c 17 s 3, & 1967 ex.s. c 11 s 1;
18 (87) RCW 56.24.080 and 1985 c 469 s 57 & 1967 ex.s. c 11 s 2;
19 (88) RCW 56.24.090 and 1967 ex.s. c 11 s 3;
20 (89) RCW 56.24.100 and 1967 ex.s. c 11 s 4;
21 (90) RCW 56.24.110 and 1967 ex.s. c 11 s 5;
22 (91) RCW 56.24.120 and 1985 c 141 s 4 & 1967 ex.s. c 11 s 6;
23 (92) RCW 56.24.130 and 1967 ex.s. c 11 s 7;
24 (93) RCW 56.24.140 and 1967 ex.s. c 11 s 8;
25 (94) RCW 56.24.150 and 1967 ex.s. c 11 s 9;
26 (95) RCW 56.24.180 and 1982 c 146 s 1;
27 (96) RCW 56.24.190 and 1982 c 146 s 2;
28 (97) RCW 56.24.200 and 1990 c 259 s 26 & 1982 c 146 s 3;
29 (98) RCW 56.24.205 and 1995 c 279 s 1 & 1987 c 449 s 8;
30 (99) RCW 56.24.210 and 1986 c 258 s 1;
31 (100) RCW 56.24.900 and 1967 ex.s. c 11 s 11;
32 (101) RCW 56.28.001 and 1989 c 84 s 53;
33 (102) RCW 56.28.010 and 1953 c 250 s 27;
34 (103) RCW 56.28.020 and 1985 c 153 s 2;
35 (104) RCW 56.32.001 and 1989 c 84 s 54;
36 (105) RCW 56.32.010 and 1989 c 308 s 9, 1975 1st ex.s. c 86 s 1, &
37 1967 c 197 s 2;
38 (106) RCW 56.32.020 and 1975 1st ex.s. c 86 s 2 & 1967 c 197 s 3;
39 (107) RCW 56.32.030 and 1975 1st ex.s. c 86 s 3 & 1967 c 197 s 4;

1 (108) RCW 56.32.040 and 1975 1st ex.s. c 86 s 4 & 1967 c 197 s 5;
2 (109) RCW 56.32.050 and 1975 1st ex.s. c 86 s 5 & 1967 c 197 s 6;
3 (110) RCW 56.32.060 and 1967 c 197 s 7;
4 (111) RCW 56.32.070 and 1985 c 141 s 5 & 1967 c 197 s 8;
5 (112) RCW 56.32.080 and 1989 c 308 s 10, 1975 1st ex.s. c 86 s 6,
6 & 1967 c 197 s 9;
7 (113) RCW 56.32.090 and 1967 c 197 s 10;
8 (114) RCW 56.32.100 and 1975 1st ex.s. c 86 s 7 & 1967 c 197 s 11;
9 (115) RCW 56.32.110 and 1994 c 289 s 1, 1975 1st ex.s. c 86 s 8, &
10 1967 c 197 s 12;
11 (116) RCW 56.32.115 and 1975 1st ex.s. c 86 s 9;
12 (117) RCW 56.32.120 and 1967 c 197 s 13;
13 (118) RCW 56.32.160 and 1987 c 449 s 9;
14 (119) RCW 56.36.001 and 1989 c 84 s 55;
15 (120) RCW 56.36.010 and 1982 1st ex.s. c 17 s 4 & 1969 ex.s. c 148
16 s 1;
17 (121) RCW 56.36.020 and 1969 ex.s. c 148 s 2;
18 (122) RCW 56.36.030 and 1971 ex.s. c 146 s 7 & 1969 ex.s. c 148 s
19 3;
20 (123) RCW 56.36.040 and 1982 c 104 s 1, 1981 c 45 s 6, & 1969 ex.s.
21 c 148 s 4;
22 (124) RCW 56.36.045 and 1988 c 162 s 3;
23 (125) RCW 56.36.050 and 1969 ex.s. c 148 s 5;
24 (126) RCW 56.36.060 and 1981 c 45 s 7 & 1969 ex.s. c 148 s 6;
25 (127) RCW 56.40.010 and 1995 c 399 s 147 & 1993 c 45 s 1;
26 (128) RCW 56.40.020 and 1995 c 399 s 148 & 1993 c 45 s 2; and
27 (129) RCW 56.40.030 and 1993 c 45 s 3.

28 NEW SECTION. **Sec. 1604.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 57.08.010 and 1994 c 81 s 81 & 1991 c 82 s 4;
31 (2) RCW 57.08.045 and 1981 c 45 s 10, 1959 c 108 s 4, & 1953 c 251
32 s 3;
33 (3) RCW 57.08.080 and 1982 1st ex.s. c 17 s 12 & 1959 c 108 s 2;
34 (4) RCW 57.08.090 and 1982 1st ex.s. c 17 s 13, 1977 ex.s. c 299 s
35 1, & 1959 c 108 s 3;
36 (5) RCW 57.12.030 and 1994 c 223 s 69, 1982 1st ex.s. c 17 s 14,
37 1979 ex.s. c 126 s 39, & 1959 c 18 s 4;

- 1 (6) RCW 57.12.039 and 1994 c 223 s 70 & 1986 c 41 s 2;
2 (7) RCW 57.40.001 and 1989 c 84 s 62;
3 (8) RCW 57.40.100 and 1982 1st ex.s. c 17 s 34 & 1971 ex.s. c 146
4 s 1;
5 (9) RCW 57.40.110 and 1971 ex.s. c 146 s 2;
6 (10) RCW 57.40.120 and 1971 ex.s. c 146 s 3;
7 (11) RCW 57.40.130 and 1982 c 104 s 3, 1981 c 45 s 12, & 1971 ex.s.
8 c 146 s 4;
9 (12) RCW 57.40.140 and 1971 ex.s. c 146 s 5; and
10 (13) RCW 57.40.150 and 1981 c 45 s 13 & 1971 ex.s. c 146 s 6.

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